

1 AN ACT relating to victims of crime.

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

3 ➔Section 1. KRS 49.280 is amended to read as follows:

4 As used in KRS 49.270 to 49.490, unless the context otherwise requires:

5 (1) "Child" means any person less than eighteen (18) years of age;

6 (2) "Claimant" means any of the following claiming compensation under KRS 49.270
7 to 49.490: a victim, a dependent of a deceased victim, a third person other than a
8 collateral source, or an authorized person acting on behalf of any of them who is
9 legally responsible for the expenses incurred by the victim as a result of the crime
10 committed against the victim;

11 (3) "Criminally injurious conduct" means conduct that occurs or is attempted in this
12 jurisdiction, poses a substantial threat of personal physical~~[-]~~ ***or*** psychological
13 injury~~[-]~~ or death, and is punishable by fine, imprisonment, or death. Criminally
14 injurious conduct shall include an act of terrorism, as defined in 18 U.S.C. sec.
15 2331, committed outside of the United States against a resident of Kentucky. Acts
16 which, but for the insanity or mental irresponsibility or lack of capacity of the
17 perpetrator, would constitute criminal conduct shall be deemed to be criminally
18 injurious conduct. The operation of a motor vehicle, motorcycle, train, boat,
19 aircraft, or other vehicle in violation of law does not constitute a criminally
20 injurious conduct unless the injury or death was intentionally inflicted, ~~for~~
21 ~~in~~involved a violation of KRS 189A.010, driving under the influence, ***or involved***
22 ***the operator of a vehicle in an accident who did not stop and disclose his or her***
23 ***identity as required by KRS 189.580;***

24 (4) "Family," when used with reference to a person, shall mean:

25 (a) Any person related to such person within the third degree of consanguinity;

26 (b) Any person maintaining a sexual relationship with such person; or

27 (c) Any person residing in the same household with such person; and

- 1 (5) (a) "Victim" means a needy person who suffers personal physical or
 2 psychological injury or death from a criminal act in Kentucky as a result of:
 3 1. Criminally injurious conduct;
 4 2. A good-faith effort to prevent criminally injurious conduct; or
 5 3. A good-faith effort to apprehend a person reasonably suspected of
 6 engaging in criminally injurious conduct.
- 7 (b) "Victim" shall also mean a resident who is a victim of a crime occurring
 8 outside this state if:
 9 1. The crime would be compensable had it occurred inside this state; and
 10 2. The crime occurred in a state which does not have a crime victim
 11 compensation program, for which the victim is eligible as eligibility is
 12 set forth in KRS 49.310.
- 13 (c) "Victim" shall also mean a resident of this state who is injured or killed by an
 14 act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside the
 15 United States.

16 ➔Section 2. KRS 49.300 is amended to read as follows:

17 In addition to the powers and authority outlined in KRS 49.020, the Crime Victims
 18 Compensation Board shall have the following powers and duties to:

- 19 (1) ~~{To}~~Promulgate, amend, and repeal suitable administrative regulations to carry out
 20 the provisions and purposes of KRS 49.270 to 49.490, including administrative
 21 regulations for the approval of attorney's fees for representation before the board or
 22 upon judicial review;
- 23 (2) ~~{To}~~Hear and determine all matters relating to claims for compensation, and the
 24 power to reinvestigate or reopen claims without regard to statutes of limitations;
- 25 (3) ~~{To}~~Request from prosecuting attorneys and law enforcement officers
 26 investigations and data to enable the board to determine whether, and the extent to
 27 which, a claimant qualifies for compensation. The statute providing confidentiality

1 for juvenile session of District Court records does not apply to proceedings under
2 KRS 49.270 to 49.490;

3 (4) ~~{To}~~hold hearings in accordance with the provisions of KRS Chapter 13B. The
4 powers provided in this subsection may be delegated by the board to any member or
5 employee thereof. If necessary to carry out any of its powers and duties, the board
6 may petition any Circuit Court for an order;

7 (5) Upon the filing of an application by a claimant, ~~{to}~~ negotiate binding fee
8 settlements with the providers of services to claimants that may be eligible for an
9 award under KRS 49.370(3);

10 (6) ~~{To}~~Make available for public inspection, **including on its website,** all board
11 decisions and opinions, administrative regulations, written statements of policy, and
12 interpretations formulated, promulgated, or used by it in discharging its functions;

13 (7) ~~{To}~~Publicize widely the availability of reparations and information regarding the
14 claims therefor; ~~{and}~~

15 (8) ~~{To}~~Make an annual report, by January 1 of each year, of its activities for the
16 preceding fiscal year to the Office of the State Budget Director and to the Interim
17 Joint Committee on Appropriations and Revenue. Each such report shall set forth a
18 complete operating and financial statement covering its operations during the year;

19 **(9) Create an electronic application process on its website, with explanatory**
20 **materials and easily understood forms;**

21 **(10) Notify all applicants of their right to counsel and of their right to access the**
22 **Crime Victims Compensation Board counsel; and**

23 **(11) Ensure that its forms and published materials are clear, easily understood, and**
24 **available in a variety of formats and languages to maximize the accessibility of**
25 **the compensation process.**

26 ➔Section 3. KRS 49.310 is amended to read as follows:

27 (1) Except as provided in **subsection**~~{subsections}~~ (2)~~{ and (3)}~~ of this section, the

1 following persons shall be eligible for awards pursuant to KRS 49.270 to 49.490:

2 (a) A victim of criminally injurious conduct;

3 (b) A surviving family member or personal representative~~[spouse, parent, or~~
4 ~~child]~~ of a victim of criminally injurious conduct who died as a direct result of
5 such conduct;

6 (c) Any other person dependent for his or her principal support upon a victim of
7 criminally injurious conduct who died as a direct result of such crime; and

8 (d) Any person who is legally responsible for the medical expenses or funeral
9 expenses of a victim.

10 (2) No victim or dependent shall be denied compensation solely because he or she is a
11 relative of the offender or was living with the offender as a family or household
12 member at the time of the injury or death. However, the Crime Victims
13 Compensation Board may award compensation to a victim or dependent who is a
14 relative, family, or household member of the offender only if the board can
15 reasonably determine the offender will not receive significant economic benefit or
16 unjust enrichment from the compensation.

17 ~~[(3) No compensation of any kind shall be awarded when injury occurred while the~~
18 ~~victim was confined in any state, county, urban county, or city jail, prison, or other~~
19 ~~correctional facility, or any state institution maintained and operated by the Cabinet~~
20 ~~for Health and Family Services.]~~

21 ➔Section 4. KRS 49.330 is amended to read as follows:

22 (1) A claim form may be filed by a person eligible to receive an award, as provided in
23 KRS 49.310 or, if such person is a minor, by his or her parent or guardian.

24 (2) ~~[A claim form must be filed by the claimant not later than five (5) years after the~~
25 ~~occurrence of the criminally injurious conduct upon which such claim is based, or~~
26 ~~not later than five (5) years after the death of the victim; provided, however, that~~
27 ~~upon good cause shown, the Crime Victims Compensation Board may extend the~~

1 time for filing if, in a particular case, the interest of justice so requires.

2 ~~(3)~~ Claims shall be filed with the board in accordance with the administrative
3 regulations promulgated by the board. Only printed claim forms supplied by the
4 board shall be accepted. The board shall accept for filing all claims submitted by
5 persons eligible under subsection (1) of this section and alleging the jurisdiction
6 requirements set forth in KRS 49.270 to 49.490 and meeting the requirements as to
7 form in the rules and regulations of the board.

8 ~~[(4) Upon filing of a claim pursuant to KRS 49.270 to 49.490, the board shall promptly
9 notify the United States attorney (if a federal offense is involved), the
10 Commonwealth's attorney or county attorney of the county wherein the crime is
11 alleged to have occurred. If, within ten (10) days after such notification, such
12 United States attorney, Commonwealth's attorney, or county attorney advises the
13 board that a criminal prosecution is pending upon the same alleged crime and
14 requests that action by the board be deferred, the board shall defer all proceedings
15 under KRS 49.270 to 49.490 until such time as such criminal prosecution has been
16 concluded, and shall so notify such United States attorney, Commonwealth's or
17 county attorney, and the claimant. When such criminal prosecution has been
18 concluded, such United States attorney, Commonwealth's or county attorney shall
19 promptly so notify the board. Nothing in this section shall limit the authority of the
20 board to grant emergency awards pursuant to KRS 49.360.]~~

21 ➔Section 5. KRS 49.340 is amended to read as follows:

22 (1) A claim, when accepted for filing, shall be assigned by the executive director of the
23 Office of Claims and Appeals to an investigator for investigation. All claims arising
24 from the death of an individual as a direct result of a crime shall be considered
25 together.

26 (2) The investigator to whom such claim is assigned shall examine the papers filed in
27 support of the claim and the validity of the claim. The investigation shall include

1 but not be limited to an examination of police, court, and official records and
2 reports concerning the crime. *The investigator's report shall be completed within*
3 *sixty (60) days of the assignment of the claim.*

4 (3) If the mental, physical, or emotional condition of a victim or claimant is material to
5 a claim, the board may order the victim or claimant to submit to a mental or
6 physical examination by a physician or psychiatrist, and may order an autopsy of a
7 deceased victim. A report upon an examination shall be filed with the investigator
8 setting out findings, including results of all tests made, diagnosis, prognosis, and
9 other conclusions.

10 (4) ~~For purposes of KRS 49.270 to 49.490, there is no privilege, except privileges~~
11 ~~arising from the attorney-client relationship, as to communications or records~~
12 ~~relevant to an issue of the physical, mental, or emotional condition of the claimant~~
13 ~~or victim in a proceeding under KRS 49.270 to 49.490 in which that condition is an~~
14 ~~element.~~

15 ~~(5)~~ Claims shall be investigated and determined, regardless of whether the alleged
16 criminal has been apprehended or prosecuted for or convicted of any crime based
17 upon the same incident, or has been acquitted, or found not guilty of the crime in
18 question owing to criminal irresponsibility or other legal exemption.

19 ~~(5)~~~~(6)~~ Upon completion of the investigator's report, the claim shall be assigned to a
20 board member who may decide the claim in favor of a claimant in the amount
21 claimed on the basis of the papers filed in support thereof and the report of the
22 investigation of the claim within thirty (30) days of the assignment of the claim. If
23 the board member is unable to decide the claim upon the basis of the documents
24 and the report, a hearing shall be ordered.

25 ~~(6)~~~~(7)~~ The hearing shall be conducted in accordance with KRS Chapter 13B and
26 may be held at any location within the Commonwealth, with a view to securing
27 opportunity for crime victims to appear before it with as little inconvenience and

1 expense as practicable. When any member of the board is attending hearings at any
2 place other than Frankfort, Kentucky, expenses necessarily incurred in the
3 performance of such duty shall be paid by the state upon certification by the
4 executive director of the Office of Claims and Appeals of an itemized statement of
5 such expenses in accordance with Finance and Administration Cabinet
6 administrative regulations.

7 ~~(7)~~~~(8)~~ After examining the papers filed in support of the claim and the report of
8 investigation, and after a hearing, if any, the board member to whom the claim was
9 assigned shall issue a recommended order either granting an award pursuant to KRS
10 49.370 or deny the claim. The board shall review the recommended order and any
11 exceptions filed to it, and shall by majority vote issue a final order.

12 ~~(8)~~~~(9)~~ A final order of the board may be appealed by filing a petition for judicial
13 review in the county where the claim accrued or in Franklin Circuit Court in
14 accordance with KRS Chapter 13B.

15 ➔Section 6. KRS 49.350 is amended to read as follows:

16 Following the initial filing of a claim, if a claimant or victim does not take such further
17 steps as may be necessary to support or perfect the claim as may be required by the
18 Crime Victims Compensation Board within ninety (90)~~thirty (30)~~ days after such
19 requirement is made by the board, the claimant or victim shall be deemed in default. In
20 such case the board shall suspend the claim. A claimant or victim may revive the claim
21 at any time by submitting a response to the requirement made by the board~~summarily~~
22 ~~deny the claim and the claimant or victim shall be forever barred from reasserting the~~
23 ~~claim. The board may remit such proceedings on good cause shown that the failure to~~
24 ~~take the steps required by the board was totally and completely beyond the control of the~~
25 ~~claimant or victim~~.

26 ➔Section 7. KRS 49.360 is amended to read as follows:

27 (1) Notwithstanding the provisions of KRS 49.340, if it appears to the Crime Victims

1 Compensation Board member to whom a claim is assigned, prior to taking action
2 upon such claim that:

- 3 (a) Such claim is one with respect to which an award probably will be made; and
4 (b) Undue hardship will result to the claimant if immediate payment is not made;
5 emergency payment under subsection (2) of this section may be made.

6 (2) Upon such findings under subsection (1) of this section, the board member may
7 make an emergency award to the claimant pending a final decision in the case
8 provided that:

- 9 (a) The amount of such emergency award shall not exceed one thousand dollars
10 (\$1,000)~~five hundred dollars (\$500)~~;
11 (b) The amount of such emergency award shall be deducted from any final award
12 made to the claimant; and
13 (c) The excess of the amount of such emergency award over the amount of the
14 final award, or the full amount of the emergency award if no final award is
15 made, shall be repaid by the claimant to the board.

16 **(3) An emergency award pursuant to this section shall be made within two (2) weeks**
17 **of the receipt of the claim by the Crime Victims Compensation Board.**

18 ➔Section 8. KRS 49.370 is amended to read as follows:

19 (1) No award shall be made unless the Crime Victims Compensation Board or board
20 member, as the case may be, finds that:

- 21 (a) Criminally injurious conduct occurred; **and**
22 (b) Such criminally injurious conduct resulted in personal physical or
23 psychological injury to, or death of, the victim~~;~~ ~~and~~
24 ~~(c) Police or court records show that such crime was promptly reported to the~~
25 ~~proper authorities; and in no case may an award be made where the police or~~
26 ~~court records show that such report was made more than forty eight (48)~~
27 ~~hours after the occurrence of such crime unless the board, for good cause~~

1 ~~shown, finds the delay to have been justified].~~

2 (2) Except for claims related to sexual assault, human trafficking, and domestic
3 violence, the board upon finding that the claimant or victim has not fully cooperated
4 with appropriate law enforcement agencies ~~may~~~~shall~~ deny, reconsider, or reduce
5 an award, **unless the board determines that cooperation may be impacted due to a**
6 **victim's age, physical condition, psychological state, cultural or linguistic**
7 **barriers, or any other health or safety concern that jeopardizes the victim's well-**
8 **being.**

9 (3) Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not
10 exceeding out-of-pocket expenses, including indebtedness reasonably incurred for
11 medical or other services, including **relocation, temporary housing, tattoo removal**
12 **for a victim of human trafficking, crime scene cleanup, replacement of items**
13 **seized as evidence, replacement or repair of windows and locks, rehabilitative**
14 **practices, expenses related to court proceedings related to the crime, pain and**
15 **suffering, emotional distress, loss of consortium, and** mental health counseling,
16 necessary as a result of the injury upon which the claim is based, together with loss
17 of earnings or support resulting from such injury. Mental health counseling shall be
18 paid for a maximum of two (2) years, but only after proper documentation is
19 submitted to the board stating what treatment is planned and for what period of
20 time. **The two (2) year period of mental health counseling need not be consecutive**
21 **and may be paused and resumed at a later time.** The board shall have the power,
22 **for good cause shown,** to discontinue payment of mental health counseling at any
23 time within the two (2) year period. Replacement of eyeglasses and other corrective
24 lenses shall be included in an award, provided they were stolen, destroyed, or
25 damaged during the crime.

26 (4) Any award made for loss of earnings or financial support may be considered for a
27 claimant who has loss of support or wages due to the crime for which the claim is

1 filed. Unless reduced pursuant to other provisions of KRS 49.270 to 49.490, the
2 award shall be equal to net earnings at the time of the criminally injurious conduct;
3 however, no such award shall exceed **three hundred dollars (\$300)**~~one hundred~~
4 ~~fifty dollars (\$150)~~ for each week of lost earnings or financial support. The wage
5 earner or source of support must have been employed or paying support at the time
6 the crime occurred. Said employment or support shall be verified by the staff of the
7 board after information is provided by the claimant or victim. Should the claimant
8 or victim fail to supply the board with the information requested, the portion of the
9 claim for lost wages or support shall be denied. If there are two (2) or more persons
10 entitled to an award as a result of the injury or death of a person which is the direct
11 result of criminally injurious conduct, the award shall be apportioned by the board
12 among the claimants.

13 (5) The board is authorized to set a reasonable limit for the payment of funeral and
14 burial expenses, which shall include funeral costs, a monument, and grave plot. In
15 no event shall an award for funeral expenses exceed **ten thousand dollars**
16 **(\$10,000)**~~five thousand dollars (\$5,000)~~.

17 (6) Any award made under KRS 49.270 to 49.490 shall not exceed **fifty thousand**
18 **dollars (\$50,000)**~~twenty five thousand dollars (\$25,000)~~ in total compensation to
19 be received by or paid on behalf of a claimant from the fund.

20 (7) No award shall be made for any type of property loss or damage, except as
21 otherwise permitted in KRS 49.270 to 49.490.

22 ➔Section 9. KRS 49.390 is amended to read as follows:

23 (1) Any award made pursuant to KRS 49.270 to 49.490 shall be reduced by the amount
24 of any payments received or to be received by the claimant as a result of the injury
25 from the following sources:

- 26 (a) From or on behalf of the person who committed the crime;
- 27 (b) Under insurance programs mandated by law;

- 1 (c) From public funds;
- 2 (d) Under any contract of insurance wherein the claimant is the insured or
- 3 beneficiary;
- 4 (e) As an emergency award pursuant to KRS 49.360; and
- 5 (f) From donations made on behalf of the victim or claimant toward expenses
- 6 incurred as a result of the crime.

7 (2) ~~In determining the amount of an award, the Crime Victims Compensation Board or~~

8 ~~board member shall determine whether, because of his or her conduct, the claimant~~

9 ~~or the victim of such crime contributed to the infliction of the victim's injury, and~~

10 ~~shall reduce the amount of the award or reject the claim altogether, in accordance~~

11 ~~with such determination; however, the board or board member may disregard for~~

12 ~~this purpose the responsibility of the claimant or the victim for the victim's injury~~

13 ~~where the record shows that such responsibility was attributable to efforts by the~~

14 ~~claimant or victim to prevent a crime or an attempted crime from occurrence in his~~

15 ~~or her presence or to apprehend a person who had committed a crime in his or her~~

16 ~~presence or had in fact committed a felony. The board or board members may~~

17 ~~request that either the county attorney or Commonwealth's attorney or both state~~

18 ~~whether in their opinion, the victim suffered injuries as the result of a crime and has~~

19 ~~cooperated with the prosecution and law enforcement authorities. The board or~~

20 ~~board member shall not be bound by such opinions and recommendations and if~~

21 ~~needed may order a further investigation of the claim.~~

22 (3) ~~The board or board member may consider whether the victim's injuries were the~~

23 ~~ordinary and foreseeable result of unlawful and criminal activities in determining~~

24 ~~the claimant's eligibility for an award. If the board or board member finds that the~~

25 ~~claimant will not suffer serious financial hardship if not granted financial assistance~~

26 ~~pursuant to KRS 49.270 to 49.490, the board or board member shall deny an award.~~

27 ~~In determining such serious financial hardship, the board or board member shall~~

1 ~~consider all of the financial resources of the claimant. The board shall establish~~
2 ~~specific standards by rule for determining such serious financial hardships.]~~

3 ➔Section 10. KRS 49.400 is amended to read as follows:

4 Any person who procures or attempts to procure compensation with the Crime Victims
5 Compensation Board by *intentionally* filing false information shall have the claim denied
6 and be forever barred from filing a claim with this board.

7 ➔Section 11. KRS 216B.400 is amended to read as follows:

8 (1) Where a person has been determined to be in need of emergency care by any person
9 with admitting authority, no such person shall be denied admission by reason only
10 of his or her inability to pay for services to be rendered by the hospital.

11 (2) Every hospital of this state which offers emergency services shall provide that a
12 physician, a sexual assault nurse examiner, who shall be a registered nurse licensed
13 in the Commonwealth and credentialed by the Kentucky Board of Nursing as
14 provided under KRS 314.142, or another qualified medical professional, as defined
15 by administrative regulation promulgated by the Justice and Public Safety Cabinet
16 in consultation with the Sexual Assault Response Team Advisory Committee as
17 defined in KRS 403.707, is available on call twenty-four (24) hours each day for the
18 examinations of persons seeking treatment as victims of sexual offenses as defined
19 by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120,
20 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310.

21 (3) An examination provided in accordance with this section of a victim of a sexual
22 offense may be performed in a sexual assault examination facility as defined in
23 KRS 216B.015. An examination under this section shall apply only to an
24 examination of a victim.

25 (4) The physician, sexual assault nurse examiner, or other qualified medical
26 professional, acting under a statewide medical forensic protocol which shall be
27 developed by the Justice and Public Safety Cabinet in consultation with the Sexual

1 Assault Response Team Advisory Committee as defined in KRS 403.707, and
2 promulgated by the secretary of justice and public safety pursuant to KRS Chapter
3 13A shall, upon the request of any peace officer or prosecuting attorney, and with
4 the consent of the victim, or upon the request of the victim, examine such person
5 for the purposes of providing basic medical care relating to the incident and
6 gathering samples that may be used as physical evidence. This examination shall
7 include but not be limited to:

8 (a) Basic treatment and sample gathering services; and

9 (b) Laboratory tests, as appropriate.

10 (5) Each victim shall be informed of available services for treatment of sexually
11 transmitted infections, pregnancy, and other medical and psychiatric problems.
12 Pregnancy counseling shall not include abortion counseling or referral information.

13 (6) Each victim shall be informed of available crisis intervention or other mental health
14 services provided by regional rape crisis centers providing services to victims of
15 sexual assault.

16 (7) Notwithstanding any other provision of law, a minor may consent to examination
17 under this section. This consent is not subject to disaffirmance because of minority,
18 and consent of the parents or guardians of the minor is not required for the
19 examination.

20 (8) (a) The examinations provided in accordance with this section shall be paid for
21 by the Crime Victims Compensation Board at a rate to be determined by the
22 administrative regulation promulgated by the board after consultation with the
23 Sexual Assault Response Team Advisory Committee as defined in KRS
24 403.707.

25 (b) Upon receipt of a completed claim form supplied by the board and an
26 itemized billing for a forensic sexual assault examination or related services
27 that are within the scope of practice of the respective provider and were

1 performed no more than twelve (12) months prior to submission of the form,
2 the board shall reimburse the hospital or sexual assault examination facility,
3 pharmacist, health department, physician, sexual assault nurse examiner, or
4 other qualified medical professional as provided in administrative regulations
5 promulgated by the board pursuant to KRS Chapter 13A. Reimbursement
6 shall be made to an out-of-state nurse who is credentialed in the other state to
7 provide sexual assault examinations, an out-of-state hospital, or an out-of-
8 state physician if the sexual assault occurred in Kentucky.

9 (c) Independent investigation by the Crime Victims Compensation Board shall
10 not be required for payment of claims under this section; however, the board
11 may require additional documentation or proof that the forensic medical
12 examination was performed.

13 (9) No charge shall be made to the victim~~[for sexual assault examinations]~~ by the
14 hospital, the sexual assault examination facility, the physician, the pharmacist, the
15 health department, the sexual assault nurse examiner, other qualified medical
16 professional, the victim's insurance carrier, or the Commonwealth for:

17 (a) Sexual assault examinations, whether or not the exam is completed;

18 (b) Prophylactic treatment for sexually transmitted infections, including HIV;

19 (c) Pregnancy prophylaxis;

20 (d) Strangulation assessments;

21 (e) Hospitalization and treatment for injuries sustained as a result of the sexual
22 assault;

23 (f) Follow-up tests and medical care for up to ninety (90) days from the date of
24 the original exam; or

25 (g) Other medical tests or services related to the incident, exam, or treatment.

26 (10) (a) Each victim shall have the right to determine whether a report or other
27 notification shall be made to law enforcement, except where reporting of

1 abuse and neglect of a child or a vulnerable adult is required, as set forth in
2 KRS 209.030 and 620.030. No victim shall be denied an examination, or
3 billed in violation of subsection (9) or this section, because the victim
4 chooses not to file a police report, cooperate with law enforcement, or
5 otherwise participate in the criminal justice system.

6 (b) If the victim chooses to report to law enforcement, the hospital shall notify
7 law enforcement within twenty-four (24) hours.

8 (c) 1. All samples collected during an exam where the victim has chosen not
9 to immediately report to law enforcement shall be stored, released, and
10 destroyed, if appropriate, in accordance with an administrative
11 regulation promulgated by the Justice and Public Safety Cabinet in
12 consultation with the Sexual Assault Response Team Advisory
13 Committee as defined in KRS 403.707.

14 2. Facilities collecting samples pursuant to this section may provide the
15 required secure storage, sample destruction, and related activities, or
16 may enter into agreements with other agencies qualified to do so,
17 pursuant to administrative regulation.

18 3. All samples collected pursuant to this section shall be stored for at least
19 one (1) year from the date of collection in accordance with the
20 administrative regulation promulgated pursuant to this subsection.

21 4. Notwithstanding KRS 524.140, samples collected during exams where
22 the victim chose not to report immediately or file a report within one (1)
23 year after collection may be destroyed as set forth in accordance with
24 the administrative regulation promulgated pursuant to this subsection.
25 The victim shall be informed of this process at the time of the
26 examination. No hospital, sexual assault examination facility, or
27 designated storage facility shall be liable for destruction of samples after

1 the required storage period has expired.

2 ➔Section 12. KRS 216B.990 is amended to read as follows:

- 3 (1) Any person who, in willful violation of this chapter, operates a health facility or
4 abortion facility without first obtaining a license or continues to operate a health
5 facility or abortion facility after a final decision suspending or revoking a license
6 shall be fined not less than five hundred dollars (\$500) nor more than ten thousand
7 dollars (\$10,000) for each violation.
- 8 (2) Any person who, in willful violation of this chapter, acquires major medical
9 equipment, establishes a health facility, or obligates a capital expenditure without
10 first obtaining a certificate of need, or after the applicable certificate of need has
11 been withdrawn, shall be fined one percent (1%) of the capital expenditure involved
12 but not less than five hundred dollars (\$500) for each violation.
- 13 (3) Any **health care provider or** hospital acting by or through its agents or employees
14 which violates any provision of KRS 216B.400 shall be punished by a fine of not
15 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
16 **The cabinet shall establish an online portal on its website for reporting violations**
17 **of KRS 216B.400.**
- 18 (4) Any health facility which willfully violates KRS 216B.250 shall be fined one
19 hundred dollars (\$100) per day for failure to post required notices and one hundred
20 dollars (\$100) per instance for willfully failing to provide an itemized statement
21 within the required time frames.
- 22 (5) In addition to the civil penalties established under KRS 216B.306(1) and (4), any
23 person who advertises, solicits boarders, or operates a boarding home without first
24 obtaining a registration as required by KRS 216B.305 and any person who aids or
25 abets the operation of a boarding home that is not registered shall be imprisoned for
26 no more than twelve (12) months.
- 27 (6) Any person or entity establishing, managing, or operating an abortion facility or

1 conducting the business of an abortion facility which otherwise violates any
2 provision of this chapter or any administrative regulation promulgated thereunder
3 regarding abortion facilities shall be subject to revocation or suspension of the
4 license of the abortion facility. In addition, any violation of any provision of this
5 chapter regarding abortion facilities or any administrative regulation related thereto
6 by intent, fraud, deceit, unlawful design, willful and deliberate misrepresentation, or
7 by careless, negligent, or incautious disregard for the statute or administrative
8 regulation, either by persons acting individually or in concert with others, shall
9 constitute a violation and shall be punishable by a fine not to exceed one thousand
10 dollars (\$1,000) for each offense. Each day of continuing violation shall be
11 considered a separate offense. The venue for prosecution of the violation shall be in
12 any county of the state in which the violation, or any portion thereof, occurred.

13 (7) Any hospital acting by or through its agents or employees that violates any
14 provision of KRS 216B.150 shall be punished by a fine of not less than one hundred
15 dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

16 (8) Any health facility acting by or through its agents or employees that violates any
17 provision of KRS 216B.153 shall be punished by a fine of not less than one hundred
18 dollars (\$100) nor more than five hundred dollars (\$500) for each violation.