

1 AN ACT relating to human trafficking.

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

3 ➔Section 1. KRS 529.110 is amended to read as follows:

- 4 (1) A person is guilty of promoting human trafficking when the person intentionally:
- 5 (a) Benefits financially or receives anything of value from knowing participation
- 6 in human trafficking; or
- 7 (b) Recruits, entices, harbors, transports, provides,~~[-or]~~ obtains, **advertises,**
- 8 **maintains, patronizes, or solicits** by any means, or attempts to recruit, entice,
- 9 harbor, transport, provide,~~[-or]~~ obtain, **advertise, maintain, patronize, or**
- 10 **solicit** by any means, another person, knowing that the person will be subject
- 11 to human trafficking.
- 12 (2) Promoting human trafficking is a Class D felony unless a victim of the trafficking is
- 13 under eighteen (18), in which case it is a Class C felony.

14 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO

15 READ AS FOLLOWS:

16 **(1) The Office of the Attorney General may establish a working group to address all**

17 **aspects of human trafficking, including commercial sex activity and forced labor.**

18 **(2) If established, the working group shall be chaired by the Attorney General or his**

19 **or her designee and may be composed of representatives from the following**

20 **organizations as appointed by the Attorney General:**

21 **(a) The Administrative Office of the Courts;**

22 **(b) The Prosecutors Advisory Council;**

23 **(c) The Unified Prosecutorial System;**

24 **(d) The Department for Child Based Services;**

25 **(e) The Justice and Public Safety Cabinet;**

26 **(f) The Kentucky Association of Chiefs of Police;**

27 **(g) The Department of Criminal Justice Training;**

- 1 (h) The Kentucky Sheriffs' Association;
- 2 (i) Federal agencies that operate in the Commonwealth, including without
- 3 limitation:
- 4 1. The Federal Bureau of Investigation;
- 5 2. United States Immigration and Customs Enforcement;
- 6 3. The United States Department of Labor; and
- 7 4. The United States Department of Homeland Security;
- 8 (j) Nongovernmental organizations such as:
- 9 1. Those specializing in the effects of human trafficking;
- 10 2. Those representing diverse communities disproportionately affected by
- 11 human trafficking;
- 12 3. Agencies devoted to child services and runaway services; and
- 13 4. Academic researchers dedicated to the subject of human trafficking;
- 14 and
- 15 (k) Any other person or entity with knowledge or expertise related to human
- 16 trafficking to be selected at the discretion of the Attorney General.
- 17 (3) Any working group created by the Attorney General shall meet at the call of the
- 18 chair and make recommendations related to human trafficking to:
- 19 (a) Facilitate collaborative decision making, coordinated planning, and
- 20 cooperative implementation among agencies and relevant partners;
- 21 (b) Support the fair, efficient, and effective operation of the criminal justice
- 22 system to improve public safety and homeland security while respecting the
- 23 privacy of citizens;
- 24 (c) Promote interoperability using common elements;
- 25 (d) Allow agencies to share appropriate information securely and efficiently;
- 26 and
- 27 (e) Identify gaps in the ability of the Commonwealth to collect data and address

1 *human trafficking.*

2 ➔Section 3. KRS 15.706 is amended to read as follows:

- 3 (1) The Prosecutors Advisory Council shall collect statistical data regarding the
4 investigation, prosecution, dismissal, conviction, or acquittal of any person charged
5 with committing, attempting to commit, or complicity to a sexual offense defined
6 by KRS Chapter 510 involving a minor, human trafficking offenses involving a
7 minor engaged in commercial sexual activity *or forced labor*, incest involving a
8 minor, use of a minor in a sexual performance, or unlawful transaction with a
9 minor.
- 10 (2) Each Commonwealth's attorney, each county attorney, the secretary of the Cabinet
11 for Health and Family Services, the commissioner of the Department of Kentucky
12 State Police, each Circuit Court clerk, and the Administrative Office of the Courts
13 shall provide any data requested by the council for this purpose, on a form
14 prescribed by the council, at intervals as the council may direct.
- 15 (3) The council may contract with any other public agency to collect the data in lieu of
16 collecting the data itself.
- 17 (4) The Prosecutors Advisory Council may promulgate administrative regulations to
18 specify information to be reported.
- 19 (5) The information required to be reported by this section shall be provided by each
20 Commonwealth's attorney and county attorney at the end of each quarter of the
21 calendar year or as otherwise directed by the Prosecutors Advisory Council.
- 22 (6) The Prosecutors Advisory Council and the Office of the Attorney General shall
23 compile the information by county and issue a public report at least annually.
- 24 (7) The public report shall not contain the name or identifying information of a victim
25 or person not formally charged with the commission of child sexual abuse or human
26 trafficking of a child. Information collected by the Commonwealth's attorney or
27 county attorney or by the Prosecutors Advisory Council containing data which

1 cannot be published shall be excluded from inspection, unless by court order, from
2 the Open Records Law.

3 (8) Any Commonwealth's attorney or any county attorney who fails to report
4 information as defined by this section or administrative regulation shall be subject
5 to salary reduction as authorized by KRS 61.120.

6 ➔Section 4. KRS 620.029 is amended to read as follows:

7 (1) In order to provide the most effective treatment for children who are victims of
8 human trafficking, as defined in KRS 529.010, **and to ensure that law enforcement**
9 **and prosecutorial agencies have the resources and tools necessary to combat**
10 **human trafficking.** the cabinet shall:

11 (a) Investigate a report alleging a child is a victim of human trafficking pursuant
12 to KRS 620.030(3);

13 (b) Provide or ensure the provision of appropriate treatment, housing, and
14 services consistent with the status of the child as a victim of human
15 trafficking; and

16 (c) Proceed in the case in accordance with applicable statutes governing cases
17 involving dependency, neglect, or abuse regardless of whether the person
18 believed to have caused the human trafficking of the child is a parent,
19 guardian, or person exercising custodial control or supervision.

20 (2) In order to effectuate the requirements of this section, the cabinet shall:

21 (a) Consult with agencies serving victims of human trafficking to promulgate
22 administrative regulations for the treatment of children who are reported to be
23 victims of human trafficking as dependent, neglected, or abused children,
24 including providing for appropriate screening, assessment, treatment, services,
25 temporary and long-term placement of these children, training of staff, the
26 designation of specific staff, and collaboration with service providers and law
27 enforcement;~~and~~

- 1 (b) By November 1 of each year~~[, beginning in 2013]~~, submit to the Legislative
2 Research Commission a comprehensive report detailing:
- 3 1. The number of reports the cabinet has received regarding child victims
4 of human trafficking;~~[,]~~
- 5 2. The number of reports in which the cabinet has investigated and
6 determined that a child is the victim of human trafficking;~~[,]~~ and
- 7 3. The number of cases in which services were provided; and
- 8 (c) 1. *Beginning in 2025, in addition to the information required under*
9 *paragraph (b) of this subsection, include in its annual report to the*
10 *Legislative Research Commission for referral to the Interim Joint*
11 *Committee on Families and Children and the Interim Joint Committee*
12 *on Judiciary:*
- 13 *a. Information related to state enforcement of human trafficking in*
14 *the Commonwealth, including the number of arrests,*
15 *prosecutions, and convictions for crimes related to human*
16 *trafficking involving children, delineated by county or district;*
- 17 *b. The number of prosecutors, judges, and law enforcement, court,*
18 *and child protective services personnel trained in identifying and*
19 *responding to human trafficking offenses involving children*
20 *during the fiscal year;*
- 21 *c. The frequency at which services were made available to child*
22 *victims of human trafficking;*
- 23 *d. Recommendations for improving data collection so that*
24 *information may be obtained and analyzed in a larger*
25 *percentage of cases;*
- 26 *e. Recommendations for improving data sharing among service*
27 *providers, nongovernmental organizations, and government*

- 1 agencies; and
- 2 f. Any other information that may assist in understanding the
- 3 causation of human trafficking of children in Kentucky and
- 4 stakeholders' abilities to provide services to victims.
- 5 2. If, after making reasonably diligent efforts to obtain the information
- 6 described in subparagraph 1. of this paragraph, the cabinet is unable
- 7 to obtain any of the information, the cabinet may submit an annual
- 8 report omitting that information, but shall provide an explanation for
- 9 the omission in the annual report.

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 219 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) As used in this section, "hotel" means every establishment kept, used,

13 maintained, advertised, or held out to the public to be a place where sleeping

14 accommodations are offered to guests, and includes motels.

15 (2) Every hotel shall post:

16 (a) In its lobby, stairwells, elevators, or on or beside exit doors, a printed sign in

17 English and Spanish at least eight and one-half (8-1/2) by eleven (11)

18 inches in size, with letters in at least sixteen (16) point font; and

19 (b) In all of its publicly accessible restrooms, either:

20 1. A printed sign in English and Spanish at least eight and one-half (8-

21 1/2) by eleven (11) inches in size, with letters in at least sixteen (16)

22 point font; or

23 2. A printed transparent static window cling in English and Spanish at

24 least three (3) inches by three (3) inches in size, with letters in at least

25 ten (10) point font;

26 displaying the current telephone hotline number of the National Human

27 Trafficking Resource Center or any federally funded successor entity.

1 **(3) The sign or window cling shall be:**

- 2 **(a) Created using gender-neutral language supplied by the Office of the**
 3 **Attorney General, the National Human Trafficking Hotline, or the United**
 4 **States Department of Homeland Security's Blue Campaign; and**
 5 **(b) Posted in a prominent place easily seen by patrons.**

6 **(4) A hotel in violation of this section shall be subject to a warning on the first**
 7 **violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent**
 8 **violation. Each day of noncompliance with this section shall constitute a separate**
 9 **violation. Moneys collected under this subsection shall be paid to the human**
 10 **trafficking victims fund.**

11 ➔Section 6. KRS 176.415 is amended to read as follows:

12 (1) The Department of Highways shall display the following flags at each rest area
 13 along the Commonwealth's interstate and turnpike system:

- 14 (a) The flag of the United States of America, to honor our country and the
 15 democratic ideals of our forefathers;
 16 (b) The flag of the Commonwealth of Kentucky, as specified by KRS 2.030, to
 17 honor the Commonwealth and its citizens; and
 18 (c) The flag of the National League of Families of American Prisoners of War
 19 and Missing in Southeast Asia, the black and white banner commonly known
 20 as the POW/MIA flag, which symbolizes America's missing service members
 21 and our unwavering determination to account for them.

22 (2) The Department of Highways shall post in every restroom located on the premises
 23 of each rest area in the Commonwealth **either:**

- 24 **(a) A printed sign in English and Spanish at least *eight and one-half (8-1/2)***
 25 ***inches by* eleven (11) inches [~~by fourteen (14) inches~~] in size, with letters *in***
 26 **at least *sixteen (16) point font; or* [~~one (1) inch high,~~]**

- 27 **(b) A printed transparent static window cling in English and Spanish at least**

1 *three (3) inches by three (3) inches in size, with letters in at least ten (10)*
 2 *point font;*

3 displaying the current telephone hotline number of the National Human Trafficking
 4 Resource Center or any federally funded successor entity.

5 **(3)** The sign *or window cling* shall be:

6 (a) Created using gender-neutral language supplied to the Department of
 7 Highways by the *Office of the Attorney General, the National Human*
 8 *Trafficking Hotline, or the United States Department of Homeland*
 9 *Security's Blue Campaign*~~[Cabinet for Health and Family Services];~~ and

10 (b) Posted in a prominent place easily seen by patrons.

11 ➔Section 7. KRS 183.075 is amended to read as follows:

12 (1) As used in this section, "airport" has the same meaning as in KRS 183.011.

13 (2) An airport shall post in all of its publicly accessible restrooms *either:*

14 *(a)* A printed sign in English and Spanish at least *eight and one-half (8-1/2)*
 15 *inches by* eleven (11) inches ~~[by fourteen (14) inches]~~ in size, with letters *in*
 16 at least *sixteen (16) point font; or*~~[one (1) inch high,]~~

17 *(b)* *A printed transparent static window cling in English and Spanish at least*
 18 *three (3) inches by three (3) inches in size, with letters in at least ten (10)*
 19 *point font;*

20 displaying the current telephone hotline number of the National Human Trafficking
 21 Resource Center or any federally funded successor entity.

22 **(3)** The sign *or window cling* shall be:

23 (a) Created using gender-neutral language supplied by the Office of the Attorney
 24 General, *the National Human Trafficking Hotline, or the United States*
 25 *Department of Homeland Security's Blue Campaign;* and

26 (b) Posted in a prominent place easily seen by patrons.

27 **(4)** *An airport in violation of this section shall be subject to a warning on the first*

1 violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent
 2 violation. Each day of noncompliance with this section shall constitute a separate
 3 violation. Moneys collected under this subsection shall be paid to the human
 4 trafficking victims fund.

5 ➔Section 8. KRS 277.410 is amended to read as follows:

6 **(1)** Every passenger train station shall post in all of its restrooms **either:**

7 **(a)** A printed sign in English and Spanish at least **eight and one-half (8-1/2)**
 8 **inches by** eleven (11) inches~~[by fourteen (14) inches]~~ in size, with letters **in**
 9 at least **sixteen (16) point font; or**~~[one (1) inch high,]~~

10 **(b)** **A printed transparent static window cling in English and Spanish at least**
 11 **three (3) inches by three (3) inches in size, with letters in at least ten (10)**
 12 **point font;**

13 displaying the current telephone hotline number of the National Human Trafficking
 14 Resource Center or any federally funded successor entity.

15 **(2)** The sign **or window cling** shall be:

16 **(a)**~~[(1)]~~ Created using gender-neutral language supplied by the Office of the
 17 Attorney General, **the National Human Trafficking Hotline, or the United**
 18 **States Department of Homeland Security's Blue Campaign;** and

19 **(b)**~~[(2)]~~ Posted in a prominent place easily seen by patrons.

20 **(3)** **A passenger train station in violation of this section shall be subject to a warning**
 21 **on the first violation and a fine not to exceed fifty dollars (\$50.00) for each**
 22 **subsequent violation. Each day of noncompliance with this section shall**
 23 **constitute a separate violation. Moneys collected under this subsection shall be**
 24 **paid to the human trafficking victims fund.**

25 ➔Section 9. KRS 281.767 is amended to read as follows:

26 (1) As used in this section:

27 (a) "Truck stop" means a privately owned and operated facility that provides

1 services, including but not limited to:

- 2 1. Food;
- 3 2. Fuel;
- 4 3. Showers or other sanitary facilities; and
- 5 4. Lawful overnight parking for motor carriers; and

6 (b) "Bus station" means a fixed structure where a bus delivers and receives
7 passengers that has a restroom.

8 (2) Every truck stop and bus station shall post in all of its restrooms **either:**

9 **(a)** A printed sign in English and Spanish at least **eight and one-half (8-1/2) by**
10 **eleven (11) inches**~~by fourteen (14) inches~~ in size, with letters **in** at least
11 **sixteen (16) point font; or**~~one (1) inch high,~~

12 **(b)** **A printed transparent static window cling in English and Spanish at least**
13 **three (3) inches by three (3) inches in size, with letters in at least ten (10)**
14 **point font;**

15 displaying the current telephone hotline number of the National Human Trafficking
16 Resource Center or any federally funded successor entity.

17 **(3)** The sign **or window cling** shall be:

18 (a) Created using gender-neutral language supplied by the Office of the Attorney
19 General, **the National Human Trafficking Hotline, or the United States**
20 **Department of Homeland Security's Blue Campaign;** and

21 (b) Posted in a prominent place easily seen by patrons.

22 **(4)** **A truck stop or bus station in violation of this section shall be subject to a**
23 **warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for**
24 **each subsequent violation. Each day of noncompliance with this section shall**
25 **constitute a separate violation. Moneys collected under this subsection shall be**
26 **paid to the human trafficking victims fund.**

27 ➔Section 10. KRS 529.140 is amended to read as follows:

- 1 (1) The "human trafficking victims fund," referred to in this section as the "fund," is
2 created as a separate revolving fund within the Office of the Attorney General.
- 3 (2) The fund shall consist of proceeds from assets seized and forfeited pursuant to KRS
4 529.150;[] proceeds from the fee in KRS 529.130;[] **proceeds from penalties**
5 **collected under Sections 5, 7, 8, and 9 of this Act;** grants;[] contributions;[]
6 appropriations;[] and any other moneys that may be made available for purposes of
7 the fund.
- 8 (3) Moneys in the fund shall be distributed to agencies serving victims of human
9 trafficking, including but not limited to law enforcement agencies, prosecutorial
10 agencies, and victim service agencies. The Office of the Attorney General shall
11 promulgate administrative regulations to develop procedures for distributing funds
12 pursuant to this section. The administrative regulations shall require that:
- 13 (a) The Office of the Attorney General use funds received to maintain programs
14 for the prevention of human trafficking, provide education, training, or public
15 outreach programs about human trafficking, and conduct human trafficking
16 investigations. The Office of the Attorney General may recoup costs for
17 conducting any programs or trainings; and
- 18 (b) The Cabinet for Health and Family Services use funds received to serve minor
19 victims of human trafficking under KRS 620.029.
- 20 (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the
21 fiscal year shall not lapse but shall be carried forward into the succeeding fiscal
22 year to be used for the purposes set forth in this section.
- 23 (5) Any interest earnings on moneys in the fund shall become a part of the fund and
24 shall not lapse to the general fund.
- 25 (6) Moneys in the fund are hereby appropriated for the purposes set forth in this
26 section.