

1 AN ACT relating to crimes and punishments.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "violent felony" means a felony that would classify a*
6 *person as a violent offender under Section 32 of this Act.*

7 *(2) Notwithstanding any other provision of this chapter, a person convicted of a*
8 *violent felony who has previously been convicted of two (2) separate violent*
9 *felonies shall be sentenced to:*

10 *(a) A term of imprisonment for life without benefit of probation or parole, if the*
11 *felony is not a capital offense; or*

12 *(b) Death, or a term of imprisonment for life without benefit of probation or*
13 *parole, if the felony is a capital offense.*

14 *(3) For the purpose of determining whether a person has two (2) or more separate*
15 *violent felony convictions, two (2) or more convictions for which the person*
16 *served concurrent or uninterrupted consecutive terms of imprisonment shall be*
17 *deemed to be only one (1) conviction, unless one (1) of the convictions was for an*
18 *offense committed while that person was imprisoned.*

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 532 IS CREATED TO
20 READ AS FOLLOWS:

21 *Notwithstanding any other provision of this chapter, or Section 32 of this Act, a person*
22 *shall not be eligible for probation, parole, conditional discharge, conditional release, or*
23 *any other form of release prior to the completion of his or her sentence if, in the*
24 *commission of the offense, he or she used a firearm which was possessed in violation*
25 *of state law, including firearms which are stolen, defaced, or loaded with restricted*
26 *ammunition.*

27 ➔Section 3. KRS 610.070 is amended to read as follows:

- 1 (1) All cases involving children brought before the court whose cases are under the
 2 jurisdiction of the court shall be granted a speedy hearing and shall be dealt with by
 3 the court without a jury.
- 4 (2) The hearings shall be conducted in a formal manner, unless specified to the contrary
 5 by other provisions of KRS Chapters 600 to 645.
- 6 (3) The general public shall be excluded and only the immediate families or guardians
 7 of the parties before the court, witnesses necessary for the prosecution and defense
 8 of the case, the probation worker with direct interest in the case, a representative
 9 from the Department of Juvenile Justice, the victim, his or her parent or legal
 10 guardian, or if emancipated, his or her spouse, or a legal representative of either,
 11 such persons admitted as the judge shall find have a direct interest in the case or in
 12 the work of the court, and such other persons as agreed to by the child and his or
 13 her attorney may be admitted to the hearing. A parent, legal guardian, or spouse if a
 14 witness shall be admitted to the hearing only during and after his or her testimony
 15 at the hearing, and witnesses shall be admitted to the hearing only for the duration
 16 of their testimony. The court may order the exclusion of a parent, legal guardian, or
 17 spouse, if it is shown to the satisfaction of the court that the parent, legal guardian,
 18 or spouse may physically disrupt the proceedings or may do violence to any
 19 participant therein. The mere presence of a parent, legal guardian, or spouse shall
 20 not be deemed to be a disruption of the proceedings merely because their presence
 21 may make the defendant uncomfortable; the court shall find a potential for actual
 22 physical disruption of the proceedings before an exclusion may be granted for this
 23 reason.
- 24 (4) The court ~~shall~~may order at least one parent, guardian, or person~~the parents,~~
 25 ~~guardians, or persons~~ exercising custodial control over the child to be present at
 26 any hearing or other proceeding involving the child.

27 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) At any hearing or other proceeding under KRS Chapters 630 to 645, at least one
3 (1) person ordered by the court, pursuant to subsection (4) of Section 3 of this
4 Act, to attend hearings or proceedings involving the child shall be present.

5 (2) A person who has been excluded from a hearing pursuant to subsection (3) of
6 Section 3 of this Act and has not subsequently been ordered by the court to be
7 present at future proceedings shall not be charged under this section.

8 (3) If a violation of subsection (1) of this section occurs, any parent, guardian, or
9 other person who was ordered, pursuant to subsection (4) of Section 3 of this Act,
10 to attend hearings or proceedings involving the child shall be fined not more than
11 five hundred dollars (\$500) and ordered to participate in up to forty (40) hours of
12 community service.

13 ➔Section 5. KRS 507.020 is amended to read as follows:

- 14 (1) A person is guilty of murder when:
 - 15 (a) With intent to cause the death of another person, he or she causes the death of
 - 16 such person or of a third person; except that in any prosecution a person shall
 - 17 not be guilty under this subsection if he or she acted under the influence of
 - 18 extreme emotional disturbance for which there was a reasonable explanation
 - 19 or excuse, the reasonableness of which is to be determined from the viewpoint
 - 20 of a person in the defendant's situation under the circumstances as the
 - 21 defendant believed them to be. However, nothing contained in this section
 - 22 shall constitute a defense to a prosecution for or preclude a conviction of
 - 23 manslaughter in the first degree or any other crime; ~~or~~
 - 24 (b) Including, but not limited to, the operation of a motor vehicle under
 - 25 circumstances manifesting extreme indifference to human life, he or she
 - 26 wantonly engages in conduct which creates a grave risk of death to another
 - 27 person and thereby causes the death of another person; or

1 *(c) He or she knowingly sells fentanyl or a fentanyl derivative to another*
2 *person, and the injection, ingestion, inhalation, or other introduction of the*
3 *fentanyl or fentanyl derivative causes the death of the person.*

4 (2) Murder is a capital offense.

5 ➔Section 6. KRS 507.030 is amended to read as follows:

6 (1) A person is guilty of manslaughter in the first degree when:

7 (a) With intent to cause serious physical injury to another person, he *or she*
8 causes the death of such person or of a third person;

9 (b) With intent to cause the death of another person, he *or she* causes the death of
10 such person or of a third person under circumstances which do not constitute
11 murder because he *or she* acts under the influence of extreme emotional
12 disturbance, as defined in subsection (1)(a) of KRS 507.020;

13 *(c) He or she knowingly distributes fentanyl or a fentanyl derivative to another*
14 *person without remuneration, and the injection, ingestion, inhalation, or*
15 *other introduction of the fentanyl or fentanyl derivative causes the death of*
16 *the person;* or

17 ~~(d)~~~~(e)}~~ Through circumstances not otherwise constituting the offense of murder,
18 he or she intentionally abuses another person or knowingly permits another
19 person of whom he or she has actual custody to be abused and thereby causes
20 death to a person twelve (12) years of age or less, or who is physically
21 helpless or mentally helpless.

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

23 ➔Section 7. KRS 507.040 is amended to read as follows:

24 (1) A person is guilty of manslaughter in the second degree when he *or she* wantonly
25 causes the death of another person, including but not limited to situations where the
26 death results from the person's:

27 (a) Operation of a motor vehicle;

- 1 (b) Leaving a child under the age of eight (8) years in a motor vehicle under
2 circumstances which manifest an extreme indifference to human life and
3 which create a grave risk of death to the child, thereby causing the death of
4 the child; or
- 5 (c) Unlawful distribution ~~{for remuneration}~~ of a Schedule I or II controlled
6 substance **other than fentanyl or a fentanyl derivative** when the controlled
7 substance is the proximate cause of death.
- 8 (2) Manslaughter in the second degree is a Class C felony.
- 9 ➔Section 8. KRS 218A.1412 is amended to read as follows:
- 10 (1) A person is guilty of trafficking in a controlled substance in the first degree when
11 he or she knowingly and unlawfully traffics in:
- 12 (a) Four (4) grams or more of cocaine;
- 13 (b) Two (2) grams or more of methamphetamine;
- 14 (c) Ten (10) or more dosage units of a controlled substance that is classified in
15 Schedules I or II and is a narcotic drug, or a controlled substance analogue;
- 16 (d) Any quantity of heroin, fentanyl, carfentanil, or fentanyl derivatives; lysergic
17 acid diethylamide; phencyclidine; gamma hydroxybutyric acid (GHB),
18 including its salts, isomers, salts of isomers, and analogues; or flunitrazepam,
19 including its salts, isomers, and salts of isomers; or
- 20 (e) Any quantity of a controlled substance specified in paragraph (a), (b), or (c) of
21 this subsection in an amount less than the amounts specified in those
22 paragraphs.
- 23 (2) The amounts specified in subsection (1) of this section may occur in a single
24 transaction or may occur in a series of transactions over a period of time not to
25 exceed ninety (90) days that cumulatively result in the quantities specified in this
26 section.
- 27 (3) (a) Any person who violates the provisions of subsection (1)(a), (b), (c), or (d) of

1 this section shall be guilty of a Class C felony for the first offense and a Class
2 B felony for a second or subsequent offense.

3 (b) Any person who violates the provisions of subsection (1)(e) of this section
4 shall be guilty of a Class D felony for the first offense and a Class C felony
5 for a second or subsequent offense.

6 (c) *If the substance is fentanyl or a fentanyl derivative, and the injection,*
7 *ingestion, inhalation, or other introduction of the fentanyl or fentanyl*
8 *derivative causes the death of a person, the penalty for the offense shall be*
9 *one (1) level higher than the level otherwise specified in this section.*

10 (d) Any person convicted of a Class C felony offense or higher under this section
11 shall not be released on probation, shock probation, parole, conditional
12 discharge, or other form of early release until he or she has served at least fifty
13 percent (50%) of the sentence imposed in cases where the trafficked substance
14 was heroin, fentanyl, carfentanil, or fentanyl derivatives.

15 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 515 IS CREATED TO
16 READ AS FOLLOWS:

17 *(1) A person is guilty of carjacking when he or she takes a motor vehicle in the*
18 *possession of another, from the possessor's person or immediate presence, or*
19 *from the person or immediate presence of a passenger of the motor vehicle,*
20 *against the possessor's or passenger's will and with the intent to either*
21 *permanently or temporarily deprive the possessor of the motor vehicle of his or*
22 *her possession, accomplished by means of force or intimidation.*

23 *(2) Carjacking is a Class B felony.*

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

25 (1) A person is guilty of criminal mischief in the first degree when, having no right to
26 do so or any reasonable ground to believe that he or she has such right, he or she
27 intentionally or wantonly:

- 1 (a) Defaces, destroys, or damages any property causing pecuniary loss of five
 2 hundred dollars (\$500)~~one thousand dollars (\$1,000)~~ or more;
- 3 (b) Tampers with the operations of a key infrastructure asset, as defined in KRS
 4 511.100, in a manner that renders the operations harmful or dangerous; or
- 5 (c) As a tenant, intentionally or wantonly defaces, destroys, or damages
 6 residential rental property causing pecuniary loss of five hundred dollars
 7 (\$500)~~one thousand dollars (\$1,000)~~ or more.

8 (2) Criminal mischief in the first degree is a Class D felony, unless:

- 9 (a) The offense occurs during a declared emergency as defined by KRS 39A.020
 10 arising from a natural or man-made disaster, within the area covered by the
 11 emergency declaration, and within the area impacted by the disaster, in which
 12 case it is a Class C felony; or
- 13 (b) The defendant at any time prior to trial effects repair or replacement of the
 14 defaced, destroyed, or damaged property, makes complete restitution in the
 15 amount of the damage, or performs community service as required by the
 16 court, in which case it is a Class B misdemeanor for the first offense and a
 17 Class A misdemeanor for the second or subsequent offense. The court shall
 18 determine the number of hours of community service appropriate to the
 19 total amount of monetary damage caused by or incidental to the commission
 20 of the crime, of not less than sixty (60) hours.

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 or she has such right, he or she:
- 24 (a) Intentionally or wantonly defaces, destroys, or damages any property causing
 25 pecuniary loss of ~~five hundred dollars (\$500) or more but~~ less than five
 26 hundred dollars (\$500)~~one thousand dollars (\$1,000)~~; or
- 27 (b) As a tenant, intentionally or wantonly defaces, destroys, or damages

1 residential rental property causing pecuniary loss of [~~five hundred dollars~~
2 (~~\$500~~) ~~or more but~~] less than five hundred dollars (\$500) [~~one thousand~~
3 ~~dollars (\$1,000)~~].

4 (2) Criminal mischief in the second degree is a Class A misdemeanor, unless:

5 (a) The offense occurs during a declared emergency as defined by KRS 39A.020
6 arising from a natural or man-made disaster, within the area covered by the
7 emergency declaration, and within the area impacted by the disaster, in which
8 case it is a Class D felony; or

9 (b) The defendant at any time prior to trial effects repair or replacement of the
10 defaced, destroyed, or damaged property, makes complete restitution in the
11 amount of the damage, or performs community service as required by the
12 court, in which case it is a Class B misdemeanor. The court shall determine
13 the number of hours of community service appropriate to the total amount
14 of monetary damage caused by or incidental to the commission of the crime,
15 of not less than fifteen (15) hours.

16 ➔Section 12. KRS 149.410 is amended to read as follows:

17 The Commonwealth's attorney or county attorney shall initiate and prosecute appropriate
18 abatement proceedings by injunction or otherwise, for the prevention or correction of any
19 condition constituting or threatening to constitute a violation of KRS 149.360 to 149.430.
20 The institution or pendency of a proceeding pursuant to this section shall not bar the
21 imposition of any penalties or the securing of any other relief provided by KRS 149.360
22 to 149.430, 149.991, 277.990, 512.020, or Section 11 of this Act [~~to 512.040~~], or
23 administrative regulations promulgated thereunder.

24 ➔Section 13. KRS 506.160 is amended to read as follows:

25 (1) If a defendant is alleged by the prosecuting attorney to have been a member of a
26 criminal gang as defined in KRS 506.135, at the time of the commission of the
27 offense, upon conviction of the offense there shall be a separate proceeding from

1 that proceeding which resulted in the defendant's conviction if the defendant was
2 convicted of:

- 3 (a) Assault in the fourth degree under KRS 508.030;
- 4 (b) Menacing under KRS 508.050;
- 5 (c) Wanton endangerment in the second degree under KRS 508.070;
- 6 (d) Terroristic threatening in the third degree under KRS 508.080;
- 7 (e) Stalking in the second degree under KRS 508.150;
- 8 (f) Unlawful imprisonment in the second degree under KRS 509.030;
- 9 (g) Criminal coercion under KRS 509.080;
- 10 (h) Criminal mischief in the second degree under KRS 512.030;
- 11 (i) ~~Criminal mischief in the third degree under KRS 512.040;~~
- 12 ~~(j)~~ Obstructing governmental operations under KRS 519.020;
- 13 ~~(j)~~~~(k)~~ Resisting arrest under KRS 520.090;
- 14 ~~(k)~~~~(l)~~ Riot in the second degree under KRS 525.030;
- 15 ~~(l)~~~~(m)~~ Inciting to riot under KRS 525.040;
- 16 ~~(m)~~~~(n)~~ Harassment under KRS 525.070;
- 17 ~~(n)~~~~(o)~~ Harassing communications under KRS 525.080;
- 18 ~~(o)~~~~(p)~~ The misdemeanor offense of carrying a concealed deadly weapon in
19 violation of KRS 527.020; or
- 20 ~~(p)~~~~(q)~~ Possession of a handgun by a minor as a first offense under KRS
21 527.100.

22 (2) The proceeding described in subsection (1) of this section shall be conducted before
23 the court sitting with the jury that found the defendant guilty of the offense unless
24 the court for good cause discharges that jury and impanels a new jury for that
25 purpose. If the jury determines beyond a reasonable doubt that the defendant is or
26 was a member of a criminal gang, acting for the purpose of benefitting, promoting,
27 or furthering the interest of a criminal gang at the time he or she committed the

1 offense, he or she shall not be released for a minimum of seventy-six (76) to ninety
 2 (90) days of the sentence imposed if the offense he or she is convicted of is
 3 classified as a Class B misdemeanor, or for a minimum of three hundred eleven
 4 (311) to three hundred sixty-five (365) days if the offense he or she is convicted of
 5 is classified as a Class A misdemeanor.

6 (3) This section shall not apply to a juvenile unless he or she has been transferred to
 7 Circuit Court as a youthful offender pursuant to KRS 640.010 and has on at least
 8 one (1) prior separate occasion been adjudicated a public offender for a felony
 9 offense.

10 ➔Section 14. KRS 525.220 is amended to read as follows:

11 No person shall be convicted of assault on a service animal when **he or she has**:

12 (1) ~~He has~~ Also been convicted of a violation of KRS 525.125, 525.130, 512.020, **or**
 13 512.030~~, or 512.040~~ arising out of the same incident; or

14 (2) ~~He has~~ Destroyed or treated a service animal that is injured, diseased, or suffering
 15 or that constitutes a hazard to public safety if not destroyed; or

16 (3) ~~He has~~ Used physical force against the service animal in protection of himself,
 17 **herself**, or a third person; or

18 (4) ~~He has~~ Used physical force without knowledge that the animal was a service
 19 animal.

20 ➔Section 15. KRS 520.050 is amended to read as follows:

21 (1) A person is guilty of promoting contraband in the first degree when:

22 (a) He **or she** knowingly introduces dangerous contraband into a detention
 23 facility or a penitentiary; or

24 (b) Being a person confined in a detention facility or a penitentiary, he **or she**
 25 knowingly makes, obtains, or possesses dangerous contraband.

26 (2) Promoting contraband in the first degree is a Class D felony, **unless the dangerous**
 27 **contraband is fentanyl, carfentanil, or a fentanyl derivative, in which case it is a**

1 **Class B felony.**

2 ➔Section 16. KRS 16.220 is amended to read as follows:

3 (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to
4 KRS 500.090, all firearms confiscated by the Department of Kentucky State Police
5 and not retained for official use pursuant to KRS 500.090 shall be sold at public
6 auction to:

7 **(a)** Federally licensed firearms dealers holding a license appropriate for the type
8 of firearm sold; **or**

9 **(b)** ***For a firearm which was used in a homicide, any person who certifies on a***
10 ***form provided by the Department of Kentucky State Police prior to placing a***
11 ***bid that he or she will, upon completion of the auction, leave the firearm***
12 ***with the Department of Kentucky State Police for destruction. A state or***
13 ***local government or agency thereof shall not purchase a firearm under this***
14 ***paragraph.***

15 **(2)** Any provision of KRS Chapter 45 or 45A relating to disposition of property to the
16 contrary notwithstanding, the Department of Kentucky State Police shall:

17 (a) Conduct any auction specified by this section;

18 (b) Retain for departmental use twenty percent (20%) of the gross proceeds from
19 any auction specified by this section; ~~and~~

20 (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office
21 of Homeland Security for use as provided in subsection ~~(5)~~~~(4)~~ of this
22 section; **and**

23 **(d)** ***For any sale pursuant to subsection (1)(b) of this section, destroy the***
24 ***firearm.***

25 ~~(3)~~~~(2)~~ Prior to the sale of any firearm, the Department of Kentucky State Police shall
26 make an attempt to determine if the firearm to be sold has been stolen or otherwise
27 unlawfully obtained from an innocent owner and return the firearm to its lawful

1 innocent owner, unless that person is ineligible to purchase a firearm under federal
2 law.

3 ~~(4)~~~~(3)~~ The Department of Kentucky State Police shall receive firearms and
4 ammunition confiscated by or abandoned to every law enforcement agency in
5 Kentucky. The department shall dispose of the firearms received in the manner
6 specified in subsections~~subsection~~ (1) and (2) of this section. However, firearms
7 which are not retained for official use, returned to an innocent lawful owner, or
8 transferred to another government agency or public museum shall be sold as
9 provided in subsections (1) and ~~(2)~~~~(3)~~ of this section.

10 ~~(5)~~~~(4)~~ The proceeds of firearms sales shall be utilized by the Kentucky Office of
11 Homeland Security to provide grants to city, county, charter county, unified local
12 government, urban-county government, and consolidated local government police
13 departments; university safety and security departments organized pursuant to KRS
14 164.950; school districts that employ special law enforcement officers as defined in
15 KRS 61.900; and sheriff's departments for the purchase of:

- 16 (a) Body armor for sworn peace officers of those departments and service
17 animals, as defined in KRS 525.010, of those departments;
- 18 (b) Firearms or ammunition;
- 19 (c) Electronic control devices, electronic control weapons, or electro-muscular
20 disruption technology; and
- 21 (d) Body-worn cameras.

22 In awarding grants under this section, the Kentucky Office of Homeland Security
23 shall give first priority to providing and replacing body armor and second priority to
24 providing firearms and ammunition, with residual funds available for the purchase
25 of body-worn cameras, electronic control devices, electronic control weapons, or
26 electro-muscular disruption technology. Body armor purchased by the department
27 receiving grant funds shall meet or exceed the standards issued by the National

1 Institute of Justice for body armor. No police or sheriff's department shall apply for
 2 a grant to replace existing body armor unless that body armor has been in actual use
 3 for a period of five (5) years or longer. Any department applying for grant funds for
 4 body-worn cameras shall develop a policy for their use and shall submit that policy
 5 with its application for the grant funds to the Office of Homeland Security as part of
 6 the application process.

7 ~~(6)~~⁽⁵⁾ The Department of Kentucky State Police may transfer a machine gun, short-
 8 barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any
 9 other weapon, or destructive device as defined by the National Firearms Act which
 10 is subject to registration under the National Firearms Act and is not properly
 11 registered in the national firearms transfer records for those types of weapons, to the
 12 Bureau of Alcohol, Tobacco, and Firearms of the United States Department of
 13 Justice, after a reasonable attempt has been made to transfer the firearm to an
 14 eligible state or local law enforcement agency or to an eligible museum and no
 15 eligible recipient will take the firearm or weapon. National Firearms Act firearms
 16 and weapons which are properly registered and not returned to an innocent lawful
 17 owner or retained for official use as provided in this section shall be sold *in*
 18 accordance with subsections (1) and (2)~~to properly licensed dealers under~~
 19 ~~subsection (3)~~ of this section.

20 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 511 IS CREATED TO
 21 READ AS FOLLOWS:

22 (1) For purposes of this section:

23 (a) "Camp" means to pitch, erect, or occupy camp facilities, or to use camp
 24 paraphernalia;

25 (b) "Camp facilities" means structures for the use of camping, including but
 26 not limited to tents, huts, temporary shelters, and vehicles; and

27 (c) "Camp paraphernalia" means items used for camping purposes, including

1 but not limited to cots, beds, sleeping bags, and hammocks.

2 (2) A person is guilty of unlawful camping when he or she knowingly enters or
3 remains on a public or private street, sidewalk, area under a bridge or underpass,
4 path, park, or other area designated for use by pedestrians or vehicles, including
5 areas used for ingress or egress to businesses, homes, or public buildings, with
6 the intent to sleep or camp in that area, when the area has not been designated
7 for the purpose of sleeping or camping or the individual lacks authorization to
8 sleep or camp in the area.

9 (3) Unlawful camping is a:

10 (a) Violation for the first offense; and

11 (b) Class B misdemeanor for the second and each subsequent offense, or if
12 during the first offense the individual refuses to cease the offense.

13 (4) Nothing in this section shall be construed to prohibit the customary and
14 temporary use of recreational camping areas, rest areas, or other properties that
15 are specifically designated for purposes of resting or sleeping.

16 ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 198A IS CREATED
17 TO READ AS FOLLOWS:

18 (1) Notwithstanding any statute, administrative regulation, or common law to the
19 contrary, appropriations from the general fund, any restricted fund, the road
20 fund, or any federal funds shall not be expended by any state or local officer,
21 official, employee, or agency for any initiatives to provide permanent housing to
22 homeless individuals if those initiatives lack behavioral and rehabilitative
23 requirements. Behavioral and rehabilitative requirements shall at a minimum
24 include requirements that individuals utilizing such initiatives cease or refrain
25 from the illicit use of controlled substances and excessive use of alcohol, consent
26 to treatment of any mental health conditions, and refrain from any criminal
27 activity.

1 (2) This section shall not apply to domestic violence shelters as defined in KRS
2 511.085.

3 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
4 READ AS FOLLOWS:

5 A local government may designate indoor or outdoor areas with defined boundaries in
6 an area zoned for commercial or industrial use, separate from any area frequently
7 used for public purposes, as a temporary camping location for unsheltered homeless
8 individuals. Any such designated area shall contain potable water and adequate
9 sanitary facilities, such as portable toilets. Any individual utilizing the designated area
10 for a permissible purpose shall not be in violation of Section 17 of this Act.

11 ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) A local government shall not adopt or enforce any policy under which it directly
14 or indirectly prohibits or discourages the enforcement of any law, order, or
15 ordinance prohibiting unlawful camping as set forth in Section 17 of this Act.

16 (2) A local government shall not directly or indirectly prohibit or discourage a peace
17 officer or prosecuting attorney who is employed by or otherwise under the
18 direction or control of the local government from enforcing any law, order, or
19 ordinance prohibiting unlawful camping as set forth in Section 17 of this Act.

20 (3) This section does not prohibit a policy of any local government that encourages
21 diversion programs or offering of services in lieu of citation or arrest.

22 (4) The Attorney General may bring a civil action in any court of competent
23 jurisdiction against any local government to enjoin the local government from
24 violating this section.

25 (5) The Attorney General may recover reasonable expenses incurred in any civil
26 action brought under this section, including court costs, reasonable attorney's
27 fees, investigative costs, witness fees, and deposition costs.

1 ➔Section 21. KRS 503.080 is amended to read as follows:

- 2 (1) The use of physical force by a defendant upon another person is justifiable when the
3 defendant believes that such force is immediately necessary to prevent:
- 4 (a) The commission of criminal trespass, robbery, burglary, or other felony
5 involving the use of force, or under those circumstances permitted pursuant to
6 KRS 503.055, in a dwelling, building or upon real property in his or her
7 possession or in the possession of another person for whose protection he or
8 she acts;~~or~~
- 9 (b) Theft, criminal mischief, or any trespassory taking of tangible, movable
10 property in his or her possession or in the possession of another person for
11 whose protection he or she acts; or
- 12 **(c) The commission of unlawful camping in violation of Section 17 of this Act,**
13 **when the offense is occurring on property owned or leased by the defendant,**
14 **the individual engaged in unlawful camping has been told to cease, and the**
15 **individual committing the offense has used force or threatened to use force**
16 **against the defendant.**
- 17 (2) The use of deadly physical force by a defendant upon another person is justifiable
18 under subsection (1) of this section only when the defendant believes that the
19 person against whom such force is used is:
- 20 (a) Attempting to dispossess him or her of his or her dwelling otherwise than
21 under a claim of right to its possession; or
- 22 (b) Committing or attempting to commit a burglary, robbery, or other felony
23 involving the use of force, or under those circumstances permitted pursuant to
24 KRS 503.055, of such dwelling; or
- 25 (c) Committing or attempting to commit arson of a dwelling or other building in
26 his or her possession.
- 27 (3) A person does not have a duty to retreat if the person is in a place where he or she

1 has a right to be.

2 ➔Section 22. KRS 202C.050 is amended to read as follows:

3 (1) No respondent shall be involuntarily committed under this chapter unless there is a
4 determination that:

5 (a) The respondent presents a danger to self or others as a result of his or her
6 mental condition;

7 (b) The respondent needs care, training, or treatment in order to mitigate or
8 prevent substantial physical harm to self or others};

9 ~~(c) The respondent has a demonstrated history of criminal behavior that has
10 endangered or caused injury to others or has a substantial history of
11 involuntary hospitalizations under KRS Chapter 202A or 202B prior to the
12 commission of the charged crime}; and~~

13 ~~(c)~~~~(d)~~ A less restrictive alternative mode of treatment would endanger the
14 safety of the respondent or others.

15 (2) When a respondent is involuntarily committed under this chapter, the cabinet shall
16 place that respondent in a forensic psychiatric facility designated by the secretary.

17 ➔Section 23. KRS 186.417 is amended to read as follows:

18 (1) The Transportation Cabinet shall issue to any felony offender, if the felony offender
19 is eligible, released from the Kentucky Department of Corrections, **a county jail or**
20 **other local or regional correctional facility**, or a Federal Bureau of Prisons facility
21 located in Kentucky on home incarceration, parole, completed service of sentence,
22 shock probation, or pardon, a personal identification card or, if the felony offender
23 is eligible, an operator's license. An offender who wishes to obtain a personal
24 identification card or operator's license shall provide proper documentation to
25 comply with the provisions of this section.

26 (2) Proper documentation under subsection (1) of this section shall consist of:

27 (a) The offender's certificate of birth;

- 1 (b) A copy of the offender's resident record card and parole certificate or notice of
2 discharge;
- 3 (c) A photograph of the offender, printed on plastic card or paper; and
- 4 (d) A release letter that shall contain the offender's:
- 5 1. Full legal name, subject to the information available to the Kentucky
6 Department of Corrections or a Federal Bureau of Prisons facility
7 located in Kentucky;
- 8 2. Discharge/release date;
- 9 3. Signature;
- 10 4. Social Security number;
- 11 5. Date of birth;
- 12 6. Present Kentucky address where he or she resides; and
- 13 7. Physical description.
- 14 (3) The Transportation Cabinet shall issue to any felony offender, if the felony offender
15 is eligible, probated or conditionally discharged by the court and under the
16 supervision of the Division of Probation and Parole or the United States Probation
17 Office, a personal identification card or, if the felony offender is eligible, an
18 operator's license. An offender who wishes to obtain a personal identification card
19 or operator's license shall provide proper documentation to comply with the
20 provisions of this section.
- 21 (4) Proper documentation under subsection (3) of this section shall consist of:
- 22 (a) The offender's certificate of birth;
- 23 (b) The offender's sentencing order;
- 24 (c) A photograph of the offender, printed on plastic card or paper; and
- 25 (d) A notarized release letter, signed by the supervising officer verifying the
26 offender's status on supervision, that shall contain the offender's:
- 27 1. Full legal name, subject to the information available to the Division of

1 Probation and Parole or the United States Probation Office;

2 2. Signature;

3 3. Social Security number;

4 4. Date of birth;

5 5. Present Kentucky address where he or she resides; and

6 6. Physical description.

7 (5) The offender shall present the documentation identified in subsection (2) or (4) of
8 this section to the cabinet within thirty (30) calendar days from the date of the
9 release letter and shall be responsible for paying the fee for the personal
10 identification card or operator's license pursuant to KRS 186.531.

11 (6) The Transportation Cabinet shall promulgate administrative regulations in
12 accordance with KRS Chapter 13A to establish procedures for current inmates in
13 state and federal prisons, who are deemed eligible by prison officials, to be issued
14 operator's licenses to engage in work release activities or reentry initiatives. The
15 administrative regulations shall address, at a minimum:

16 (a) The information required for application, which shall include all information
17 in paragraph (b) of this subsection which is germane to a current inmate. For
18 purposes of this paragraph, the facility in which the inmate is housed shall be
19 considered the inmate's residence;

20 (b) Required documentation from the Department of Corrections or the Federal
21 Bureau of Prisons that the inmate meets the security criteria to be eligible for
22 work outside of the facility;

23 (c) Procedures for license issuance; and

24 (d) Restrictions on use of the license, including a requirement that the inmate
25 shall surrender the license to prison officials when the inmate is not engaged
26 in work outside the facility.

27 (7) The cabinet shall process applications for operator's licenses and personal

1 identification cards under this section in the same manner as in KRS 186.412 and
2 186.4122.

3 (8) The Transportation Cabinet may enter into an agreement with the Kentucky
4 Department of Corrections, the United States Probation Office, or the Federal
5 Bureau of Prisons to use a mobile unit to begin the issuance process in this section.

6 ➔Section 24. KRS 431.510 is amended to read as follows:

7 (1) As used in this section:

8 (a) 1. "Bail bondsman" means any person, partnership, or corporation
9 engaged for profit in the business of:

10 a. Furnishing bail, making bonds, or entering into undertakings, as
11 surety, for the appearance of persons charged with any criminal
12 offense or violation of law or ordinance punishable by fine,
13 imprisonment, or death, before any of the courts of this state; or

14 b. Securing the payment of fines imposed and of costs assessed by
15 those courts upon final disposition thereof.

16 2. The business of a bail bondsman is limited to the acts, transactions,
17 and undertakings described in this paragraph and to no other; and

18 (b) "Charitable bail organization" means an organization, including but not
19 limited to an organization exempt under Section 501(c)(3) of the Internal
20 Revenue Code, that solicits or accepts donations from the public for the
21 purpose of:

22 1. Furnishing bail, making bonds, or entering into undertakings, as
23 surety, whether through direct payment or by payment through a third
24 party, for the appearance of persons charged with any criminal
25 offense or violation of law or ordinance punishable by fine,
26 imprisonment, or death before any of the courts of this state; or

27 2. Securing the payment of fines imposed and of costs assessed by any of

1 *the courts of this state upon final disposition thereof.*

2 **(2)** It shall be unlawful for any person to engage in the business of bail bondsman~~—as~~
3 ~~defined in subsection (3) of this section,~~ or to otherwise for compensation or other
4 consideration:

5 (a) Furnish bail or funds or property to serve as bail; or

6 (b) Make bonds or enter into undertakings as surety;

7 for the appearance of persons charged with any criminal offense or violation of law
8 or ordinance punishable by fine, imprisonment, or death, before any of the courts of
9 this state~~—, including city courts~~, or to secure the payment of fines imposed and of
10 costs assessed by such courts upon a final disposition.

11 **(3)** *It shall be unlawful for any charitable bail organization to:*

12 *(a) Furnish bail or funds or property to serve as bail in an amount of five*
13 *thousand dollars (\$5,000) or more; or*

14 *(b) Make bonds or enter into undertakings as surety in an amount of five*
15 *thousand dollars (\$5,000) or more;*

16 *for the appearance of persons charged with any criminal offense or violation of*
17 *law or ordinance punishable by fine, imprisonment, or death, before any of the*
18 *courts of this state, or to secure the payment of fines imposed and of costs*
19 *assessed by those courts upon a final disposition.*

20 **(4)** *Notwithstanding subsection (3) of this section, it shall be unlawful for any*
21 *charitable bail organization to furnish bail or funds or property to serve as bail,*
22 *or to make bonds or enter into undertakings as surety, regardless of amount, for*
23 *any person:*

24 *(a) Alleged to have committed an offense:*

25 *1. Of domestic violence and abuse as defined in KRS 403.720;*

26 *2. Of dating violence and abuse as defined in KRS 456.010; or*

27 *3. That would classify the person as a violent offender under Section 31*

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of this Act; or

(b) Held under a civil court order or warrant issued under KRS 222.430 to 222.437.

(5) Any person who posts bail or bond on behalf of any organization under this section shall provide a photo identification.

(6) A charitable bail organization shall maintain and annually report the following information to the Interim Joint Committee on Judiciary no later than October 31 of each year, and shall make publicly available on the organization's website, or by publishing in a newspaper of general circulation that complies with the requirements of KRS 424.120 if the organization does not maintain a website:

(a) The expenditures of the organization, including a separate reporting of the amount furnished for bail, or funds or property to serve as bail; and

(b) The number of individuals and classification of offenses for those individuals for which any bail, or funds or property to serve as bail, has been provided.

(7) Any bond posted by a charitable organization under this section that is ordered forfeited as a result of the commission of a new criminal offense shall be distributed to the victim of the new criminal offense, if a victim is identified.

~~(8)(2)~~ Nothing contained in this section~~herein~~ shall serve to release any bail bondsman previously~~heretofore~~ licensed by this state from the obligation of undischarged bail bond liability existing on June 19, 1976.

~~(3)~~ "Bail bondsman" shall mean any person, partnership, or corporation engaged for profit in the business of furnishing bail, making bonds or entering into undertakings, as surety, for the appearance of persons charged with any criminal offense or violation of law or ordinance punishable by fine, imprisonment, or death, before any of the courts of this state, or securing the payment of fines imposed and of costs assessed by such courts upon final disposition thereof, and the business of a

1 ~~bail bondsman shall be limited to the acts, transactions, and undertakings described~~
 2 ~~in this subsection and to no other.]~~

3 ~~(9)~~~~(4)~~ KRS 431.510 to 431.550 shall not be construed to limit or repeal KRS
 4 431.021 or to prevent licensed insurers providing security required by Subtitle 39 of
 5 KRS Chapter 304 and nonprofit associations from posting or causing to be posted
 6 by licensed insurers security or acting as surety for their insureds or members for an
 7 offense arising from the operation of a motor vehicle, provided that such posting of
 8 security or acting as surety is merely incidental to the terms and conditions of an
 9 insurance contract or a membership agreement and provided further that no separate
 10 premium or charge therefor is required from the insureds or members.

11 ➔SECTION 25. A NEW SECTION OF KRS CHAPTER 507 IS CREATED TO
 12 READ AS FOLLOWS:

13 **(1) As used in this section, "first responder" means:**

14 **(a) A police officer, sheriff, or deputy sheriff;**

15 **(b) A paid or volunteer emergency medical services personnel certified or**
 16 **licensed pursuant to KRS Chapter 311A; or**

17 **(c) A paid or volunteer member of an organized fire department;**

18 **engaged at the time of the act in the lawful performance of his or her duties.**

19 **(2) A person is guilty of murder of a first responder when, with the intent to cause**
 20 **the death of a first responder, he or she causes the death of a first responder.**

21 **(3) Notwithstanding KRS Chapter 532, murder of a first responder is a capital**
 22 **offense and the person shall be sentenced to death or imprisonment for life**
 23 **without benefit of probation or parole.**

24 ➔Section 26. KRS 506.010 is amended to read as follows:

25 (1) A person is guilty of criminal attempt to commit a crime when, acting with the kind
 26 of culpability otherwise required for commission of the crime, he **or she**:

27 (a) Intentionally engages in conduct which would constitute the crime if the

1 attendant circumstances were as he or she believes them to be; or

2 (b) Intentionally does or omits to do anything which, under the circumstances as
3 he or she believes them to be, is a substantial step in a course of conduct
4 planned to culminate in his commission of the crime.

5 (2) Conduct shall not be held to constitute a substantial step under subsection (1)(b) of
6 this section unless it is an act or omission which leaves no reasonable doubt as to
7 the defendant's intention to commit the crime which he or she is charged with
8 attempting.

9 (3) A person is guilty of criminal attempt to commit a crime when he engages in
10 conduct intended to aid another person to commit that crime, although the crime is
11 not committed or attempted by the other person, provided that his or her conduct
12 would establish complicity under KRS 502.020 if the crime were committed by the
13 other person.

14 (4) A criminal attempt is a:

15 (a) Class C felony when the crime attempted is a violation of KRS 521.020 or
16 521.050;

17 (b) Class B felony when the crime attempted is a Class A felony or capital
18 offense;

19 (c) Class C felony when the crime attempted is a Class B felony;

20 (d) Class A misdemeanor when the crime attempted is a Class C or D felony;

21 (e) Class B misdemeanor when the crime attempted is a misdemeanor; and

22 (f) Capital offense when the crime attempted is a violation of Section 25 of this
23 Act. Notwithstanding KRS Chapter 532, a person who has been convicted
24 of, or entered a plea of guilty or nolo contendere to, criminal attempt to
25 commit murder of a first responder shall be sentenced to imprisonment for:

26 1. At least twenty (20) years but not more than fifty (50) years;

27 2. Life; or

1 3. *Life without benefit of probation or parole until the person has served*
2 *a minimum of twenty-five (25) years.*

3 ➔Section 27. KRS 532.025 is amended to read as follows:

- 4 (1) (a) Upon conviction of a defendant in cases where the death penalty may be
5 imposed, a hearing shall be conducted. In such hearing, the judge shall hear
6 additional evidence in extenuation, mitigation, and aggravation of
7 punishment, including the record of any prior criminal convictions and pleas
8 of guilty or pleas of nolo contendere of the defendant, or the absence of any
9 prior conviction and pleas; provided, however, that only such evidence in
10 aggravation as the state has made known to the defendant prior to his or her
11 trial shall be admissible. Subject to the Kentucky Rules of Evidence, juvenile
12 court records of adjudications of guilt of a child for an offense that would be a
13 felony if committed by an adult shall be admissible in court at any time the
14 child is tried as an adult, or after the child becomes an adult, at any
15 subsequent criminal trial relating to that same person. Juvenile court records
16 made available pursuant to this section may be used for impeachment
17 purposes during a criminal trial and may be used during the sentencing phase
18 of a criminal trial; however, the fact that a juvenile has been adjudicated
19 delinquent of an offense that would be a felony if the child had been an adult
20 shall not be used in finding the child to be a persistent felony offender based
21 upon that adjudication. Release of the child's treatment, medical, mental, or
22 psychological records is prohibited unless presented as evidence in Circuit
23 Court. Release of any records resulting from the child's prior abuse and
24 neglect under Title IV-E or IV-B of the Federal Social Security Act is also
25 prohibited. The judge shall also hear argument by the defendant or his or her
26 counsel and the prosecuting attorney, as provided by law, regarding the
27 punishment to be imposed. The prosecuting attorney shall open and the

1 defendant shall conclude the argument. In cases in which the death penalty
2 may be imposed, the judge when sitting without a jury shall follow the
3 additional procedure provided in subsection (2) of this section. Upon the
4 conclusion of the evidence and arguments, the judge shall impose the sentence
5 or shall recess the trial for the purpose of taking the sentence within the limits
6 prescribed by law. If the trial court is reversed on appeal because of error only
7 in the presentence hearing, the new trial which may be ordered shall apply
8 only to the issue of punishment.

9 (b) In all cases in which the death penalty may be imposed and which are tried by
10 a jury, upon a return of a verdict of guilty by the jury, the court shall resume
11 the trial and conduct a presentence hearing before the jury. Such hearing shall
12 be conducted in the same manner as presentence hearings conducted before
13 the judge as provided in paragraph (a) of this subsection, including the record
14 of any prior criminal convictions and pleas of guilty or pleas of nolo
15 contendere of the defendant. Upon the conclusion of the evidence and
16 arguments, the judge shall give the jury appropriate instructions, and the jury
17 shall retire to determine whether any mitigating or aggravating circumstances,
18 as defined in subsection (2) of this section, exist and to recommend a sentence
19 for the defendant. Upon the findings of the jury, the judge shall fix a sentence
20 within the limits prescribed by law.

21 (2) In all cases of offenses for which the death penalty may be authorized, the judge
22 shall consider, or ~~he or she shall~~ include in his or her instructions to the jury for it
23 to consider, any mitigating circumstances or aggravating circumstances otherwise
24 authorized by law and any of the following statutory aggravating or mitigating
25 circumstances which may be supported by the evidence:

26 (a) Aggravating circumstances:

27 1. The offense of murder or kidnapping was committed by a person with a

- 1 prior record of conviction for a capital offense, or the offense of murder
2 was committed by a person who has a substantial history of serious
3 assaultive criminal convictions;
- 4 2. The offense of murder or kidnapping was committed while the offender
5 was engaged in the commission of arson in the first degree, robbery in
6 the first degree, burglary in the first degree, rape in the first degree, or
7 sodomy in the first degree;
- 8 3. The offender by his or her act of murder, armed robbery, or kidnapping
9 knowingly created a great risk of death to more than one (1) person in a
10 public place by means of a weapon of mass destruction, weapon, or
11 other device which would normally be hazardous to the lives of more
12 than one (1) person;
- 13 4. The offender committed the offense of murder for himself, herself, or
14 another, for the purpose of receiving money or any other thing of
15 monetary value, or for other profit;
- 16 5. The offense of murder was committed by a person who was a prisoner
17 and the victim was a prison employee engaged at the time of the act in
18 the performance of his or her duties;
- 19 6. The offender's act or acts of killing were intentional and resulted in
20 multiple deaths;
- 21 7. The offender's act of killing was intentional and the victim was:
- 22 a. A state or local public official;~~[-or]~~
- 23 b. A police officer, sheriff, or deputy sheriff engaged at the time of
24 the act in the lawful performance of his or her duties;
- 25 c. *A paid or volunteer emergency medical services personnel*
26 *certified or licensed pursuant to KRS Chapter 311A engaged at*
27 *the time of the act in the lawful performance of his or her duties;*

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d. A paid or volunteer member of an organized fire department engaged at the time of the act in the lawful performance of his or her duties;

- 8. The offender murdered the victim when an emergency protective order or a domestic violence order was in effect, or when any other order designed to protect the victim from the offender, such as an order issued as a condition of a bond, conditional release, probation, parole, or pretrial diversion, was in effect; and
- 9. The offender's act of killing was intentional and resulted in the death of a child under twelve (12) years old.

(b) Mitigating circumstances:

- 1. The defendant has no significant history of prior criminal activity;
- 2. The capital offense was committed while the defendant was under the influence of extreme mental or emotional disturbance even though the influence of extreme mental or emotional disturbance is not sufficient to constitute a defense to the crime;
- 3. The victim was a participant in the defendant's criminal conduct or consented to the criminal act;
- 4. The capital offense was committed under circumstances which the defendant believed to provide a moral justification or extenuation for his or her conduct even though the circumstances which the defendant believed to provide a moral justification or extenuation for his or her conduct are not sufficient to constitute a defense to the crime;
- 5. The defendant was an accomplice in a capital offense committed by another person and his or her participation in the capital offense was relatively minor;

- 1 6. The defendant acted under duress or under the domination of another
2 person even though the duress or the domination of another person is not
3 sufficient to constitute a defense to the crime;
- 4 7. At the time of the capital offense, the capacity of the defendant to
5 appreciate the criminality of his or her conduct to the requirements of
6 law was impaired as a result of mental illness or an intellectual disability
7 or intoxication even though the impairment of the capacity of the
8 defendant to appreciate the criminality of his or her conduct or to
9 conform the conduct to the requirements of law is insufficient to
10 constitute a defense to the crime; and
- 11 8. The youth of the defendant at the time of the crime.

12 (3) The instructions as determined by the trial judge to be warranted by the evidence or
13 as required by KRS 532.030(4) shall be given in charge and in writing to the jury
14 for its deliberation. The jury, if its verdict be a recommendation of death, or
15 imprisonment for life without benefit of probation or parole, or imprisonment for
16 life without benefit of probation or parole until the defendant has served a minimum
17 of twenty-five (25) years of his or her sentence, shall designate in writing, signed by
18 the foreman of the jury, the aggravating circumstance or circumstances which it
19 found beyond a reasonable doubt. In nonjury cases, the judge shall make such
20 designation. In all cases unless at least one (1) of the statutory aggravating
21 circumstances enumerated in subsection (2) of this section is so found, the death
22 penalty, or imprisonment for life without benefit of probation or parole, or the
23 sentence to imprisonment for life without benefit of probation or parole until the
24 defendant has served a minimum of twenty-five (25) years of his or her sentence,
25 shall not be imposed.

26 ➔Section 28. KRS 532.036 is amended to read as follows:

27 (1) As used in this section:

1 (a) "Disabled":

2 1. Means a legal disability as is measured by functional inabilities; and

3 2. Includes inabilities caused by psychological, psychiatric, or stress-
4 related trauma, and refers to any person seventeen (17) years of age or
5 older who is unable to make informed decisions with respect to his or
6 her personal affairs to the extent that he or she lacks the capacity to
7 provide for his or her physical health and safety or the physical health
8 and safety of a minor child, including but not limited to health care,
9 food, shelter, clothing, or personal hygiene; and

10 (b) "Totally and permanently disabled":

11 1. Means the inability to do any substantial gainful activity by reason of
12 any medically determinable physical or mental impairment which can be
13 expected to result in death or which has lasted or can be expected to last
14 for a continuous period of not less than twelve (12) months; and

15 2. Includes a finding of permanent total disability by the Social Security
16 Administration that a person is disabled and qualifies for benefits or a
17 finding by an administrative law judge under KRS Chapter 342.

18 (2) (a) Notwithstanding any law to the contrary, if a defendant is convicted of a
19 violation of KRS 189A.010 ***or Section 25 of this Act*** and the violation caused
20 the death of a parent or guardian of a minor child or dependent or resulted in a
21 finding by the court that a parent or guardian of a minor child or dependent is
22 disabled or totally and permanently disabled, then the sentencing court may
23 order the defendant to pay restitution in the form of financial support for the
24 child or dependent to each child or dependent of the victim until the child or
25 dependent reaches:

26 1. Eighteen (18) years of age; or

27 2. Nineteen (19) years of age if the child or dependent is still enrolled in

1 high school.

2 (b) In determining an amount that is reasonable and necessary for the financial
3 support of the victim's child or dependent, the court shall consider all relevant
4 factors, including the:

- 5 1. Financial needs and resources of the child or dependent;
- 6 2. Financial resources and needs of the surviving parent or guardian of the
7 child or dependent;
- 8 3. Standard of living to which the child or dependent is accustomed;
- 9 4. Physical and emotional condition of the child or dependent and the
10 child's or dependent's educational needs;
- 11 5. Child's or dependent's physical and legal custody arrangements; and
- 12 6. Reasonable child care expenses of the surviving parent or guardian.

13 (3) The court shall order that payments made to financially support the child or
14 dependent be made to the clerk of court as trustee for remittance to the child or
15 dependent's surviving parent or guardian. The clerk shall remit the payments to the
16 surviving parent or guardian within three (3) working days of receipt by the clerk.
17 The clerk shall deposit all payments no later than the next working day after receipt.

18 (4) If a defendant who is ordered to pay restitution in the form of financial support for
19 the child or dependent under this section is incarcerated and unable to pay the
20 required restitution, the defendant shall have up to one (1) year after the release
21 from incarceration to begin payment, including entering into a payment plan to
22 address any arrearage.

23 (5) If a defendant's payments to financially support the child or dependent are set to
24 terminate but the defendant's obligation is not paid in full, the payments to
25 financially support the child or dependent shall continue until the entire arrearage is
26 paid.

27 (6) (a) If the surviving parent or guardian of the child or dependent brings a civil

1 action against the defendant before the sentencing court orders restitution to
2 financially support the child or dependent and the surviving parent or
3 guardian obtains a judgment and full satisfaction of damages in the civil suit,
4 restitution shall not be ordered under this section.

5 (b) If the court orders the defendant to pay restitution to financially support the
6 child or dependent under this section and the surviving parent or guardian
7 subsequently brings a civil action and obtains a judgment, the restitution order
8 shall be offset by the amount of the judgment awarded and paid by the
9 defendant or the defendant's insurance for lost wages or permanent
10 impairment of the power to work and earn money in the civil action.

11 ➔Section 29. KRS 439.320 is amended to read as follows:

12 (1) (a) The Governor shall appoint a Parole Board consisting of nine (9) full-time
13 members to be confirmed by the Senate in accordance with KRS 11.160.

14 (b) The Governor shall make each appointment from a list of three (3) names
15 given to him or her by the Kentucky State Corrections Commission.

16 (c) Each member appointed to the board shall have had at least five (5) years of
17 actual experience in the field of penology, correction work, law enforcement,
18 sociology, law, education, social work, medicine, or a combination thereof, or
19 have served at least five (5) years previously on the Parole Board.

20 (d) No more than six (6) board members shall be of the same political party.

21 (e) The board shall be attached to the Justice and Public Safety Cabinet for
22 administrative purposes only. The Department of Corrections shall provide
23 any clerical, stenographic, administrative, and expert staff assistance the board
24 deems necessary to carry out its duties.

25 (2) The Governor shall designate one (1) member as chairperson of the board. The
26 member designated as chairperson shall serve in that capacity at the pleasure of the
27 Governor or until his or her term expires.

- 1 (3) (a) The members of the board shall give full time to the duties of their office and
 2 shall receive necessary traveling expenses and a salary to be determined
 3 pursuant to KRS 64.640(2), except the chairperson of the board shall receive
 4 additional compensation of one thousand dollars (\$1,000) per year for his or
 5 her services.
- 6 (b) *The members of the board shall serve at the pleasure of the Governor, but*
 7 *for no more than four (4) years without reappointment*~~[Their terms of office~~
 8 ~~shall be four (4) years and until their successors are appointed and have~~
 9 ~~qualified]. Their successors shall be appointed thereafter as provided in this~~
 10 ~~section [for terms of four (4) years, and a vacancy occurring before expiration~~
 11 ~~of the term of office shall be similarly filled for the unexpired term].~~
- 12 (4) The organization of the board shall be determined by the chairperson and shall be
 13 consistent with administrative regulations promulgated pursuant to KRS 439.340.
 14 For policy and procedural matters, five (5) members shall constitute a quorum.
- 15 (5) Parole and final parole revocation hearings may be done by panels of the board,
 16 subject to the following requirements:
- 17 (a) *A panel shall consist of not less than three (3) and not more than six (6)*
 18 *members*~~[If a two (2) member panel is utilized, both members of the panel~~
 19 ~~shall agree on the decision or the matter shall be referred to the full board];~~
 20 *and*
- 21 (b) *All members of the panel shall agree on a decision or the matter shall be*
 22 *referred to the full board*~~[If a three (3) member panel is utilized, two (2) of~~
 23 ~~the three (3) members of the panel shall agree on a decision or the matter shall~~
 24 ~~be referred to the full board; and~~
- 25 ~~(c) If a panel of four (4) or more members is utilized, a majority of the panel shall~~
 26 ~~agree on a decision or the matter shall be referred to the full board].~~
- 27 ~~[(5) The Governor may not remove any member of the board except for disability,~~

1 ~~inefficiency, neglect of duty, or malfeasance in office. Before removal, he or she~~
2 ~~shall give the member a written copy of the charges against him or her and shall fix~~
3 ~~the time when he or she can be heard in his or her defense, which shall not be less~~
4 ~~than ten (10) days thereafter. Upon removal, the Governor shall file in the office of~~
5 ~~the Secretary of State a complete statement of all charges made against the member~~
6 ~~and the findings thereupon with a record of the proceedings.]~~

7 ➔Section 30. KRS 439.330 is amended to read as follows:

8 (1) The board shall:

- 9 (a) Study the case histories of persons eligible for parole, and deliberate on that
10 record;
- 11 (b) Conduct reviews and hearings on the desirability of granting parole;
- 12 (c) Impose upon the parolee or conditional releasee such conditions as it sees fit;
- 13 (d) Order the granting of parole **upon a two-thirds (2/3) vote of the membership**
14 **of the full board, or pursuant to subsection (5) of Section 29 of this Act;**
- 15 (e) Issue warrants for persons charged with violations of parole and
16 postincarceration supervision and conduct hearings on such charges, subject
17 to the provisions of KRS 439.341, 532.043, and 532.400;
- 18 (f) Determine the period of supervision for parolees, which period may be subject
19 to extension or reduction after recommendation of the cabinet is received and
20 considered; and
- 21 (g) Grant final discharge to parolees.

22 (2) The board shall adopt an official seal of which the courts shall take judicial notice.

23 (3) The orders of the board shall not be reviewable except as to compliance with the
24 terms of KRS 439.250 to 439.560.

25 (4) The board shall keep a record of its acts, an electronic record of its meetings, a
26 written record of the votes of individual members, and the reasons for denying
27 parole to inmates. These records shall be public records in accordance with KRS

1 61.870 to 61.884. The board shall notify each institution of its decisions relating to
2 the persons who are or have been confined in that institution~~therein~~, and shall
3 submit to the Governor a report with statistical and other data of its work at the
4 close of each fiscal year.

5 ➔Section 31. KRS 433.236 is amended to read as follows:

6 (1) A peace officer, security agent of a mercantile establishment, merchant, or
7 merchant's employee who has probable cause to believe~~for believing~~ that goods
8 held for sale by the merchant have been unlawfully taken by a person may take the
9 person into custody and detain him or her in a reasonable manner for a reasonable
10 length of time, on the premises of the mercantile establishment or off the premises
11 of the mercantile establishment, if the persons enumerated in this section are in
12 fresh pursuit, for any ~~or all~~ of the following purposes:

13 (a) To request identification;

14 (b) To verify such identification;

15 (c) To make reasonable inquiry as to whether such person has in his or her
16 possession unpurchased merchandise, and to make reasonable investigation of
17 the ownership of such merchandise;

18 (d) To recover or attempt to recover goods taken from the mercantile
19 establishment by such person, or by others accompanying him or her; or

20 (e) To inform a peace officer or law enforcement agency of the detention of the
21 person and to surrender the person to the custody of a peace officer, and in the
22 case of a minor, to inform the parents, guardian, or other person having
23 custody of that minor of his or her detention, in addition to surrendering the
24 minor to the custody of a peace officer.

25 (2) Any person exercising any authority granted in subsection (1) of this section may
26 use a reasonable amount of force necessary to protect himself or herself and to
27 prevent the escape of the person detained or the loss of goods for sale.

1 **(3)** The recovery of goods taken from the mercantile establishment by the person
 2 detained or by others shall not limit the right of the persons named in subsection (1)
 3 of this section to detain such person for peace officers or otherwise accomplish the
 4 purposes of subsection (1) **of this section.**

5 ~~(4)~~~~(3)~~ **Any person enumerated in subsection (1) of this section shall be immune**
 6 **from criminal and civil liability for exercising any authority granted under this**
 7 **section.**

8 **(5)** Any peace officer may arrest without warrant any person he **or she** has probable
 9 cause **to believe**~~[for believing]~~ has committed larceny in retail or wholesale
 10 establishments.

11 ➔Section 32. KRS 439.3401 is amended to read as follows:

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

14 (a) A capital offense;

15 (b) A Class A felony;

16 (c) A Class B felony involving the death of the victim or serious physical injury
 17 to a victim;

18 (d) An offense described in KRS 507.040 or 507.050 where the offense involves
 19 the killing of a peace officer, firefighter, or emergency medical services
 20 personnel while the peace officer, firefighter, or emergency medical services
 21 personnel was acting in the line of duty;

22 (e) A Class B felony involving criminal attempt **under Section 26 of this Act** to
 23 commit murder ~~[under KRS 506.010 if the victim of the offense is a clearly~~
 24 ~~identifiable peace officer, firefighter, or emergency medical services~~
 25 ~~personnel acting in the line of duty,]~~ regardless of whether an injury results;

26 (f) The commission or attempted commission of a felony sexual offense
 27 described in KRS Chapter 510;

- 1 (g) Use of a minor in a sexual performance as described in KRS 531.310;
- 2 (h) Promoting a sexual performance by a minor as described in KRS 531.320;
- 3 (i) Unlawful transaction with a minor in the first degree as described in KRS
- 4 530.064(1)(a);
- 5 (j) Human trafficking under KRS 529.100 involving commercial sexual activity
- 6 where the victim is a minor;
- 7 (k) Criminal abuse in the first degree as described in KRS 508.100;
- 8 (l) Burglary in the first degree accompanied by the commission or attempted
- 9 commission of an assault described in KRS 508.010, 508.020, 508.032, or
- 10 508.060;
- 11 (m) Burglary in the first degree accompanied by commission or attempted
- 12 commission of kidnapping as prohibited by KRS 509.040;
- 13 (n) Robbery in the first degree;~~[-or]~~
- 14 (o) Incest as described in KRS 530.020(2)(b) or (c);
- 15 **(p) Carjacking as described in Section 9 of this Act; or**
- 16 **(q) A Class B felony violation of promoting contraband in the first degree as**
- 17 **described in Section 15 of this Act; or**
- 18 **(r) Wanton endangerment in the first degree as described in Section 39 of this**
- 19 **Act involving the discharge of a firearm.**

20 The court shall designate in its judgment if the victim suffered death or serious

21 physical injury.

- 22 (2) A violent offender who has been convicted of a capital offense and who has
- 23 received a life sentence (and has not been sentenced to twenty-five (25) years
- 24 without parole or imprisonment for life without benefit of probation or parole), or a
- 25 Class A felony and receives a life sentence, or to death and his or her sentence is
- 26 commuted to a life sentence shall not be released on probation or parole until he or
- 27 she has served at least twenty (20) years in the penitentiary. Violent offenders may

1 have a greater minimum parole eligibility date than other offenders who receive
2 longer sentences, including a sentence of life imprisonment.

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

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

12 (c) A violent offender who has been convicted of a violation of KRS 507.040 or
13 507.050 where the victim of the offense was a peace officer, a firefighter, or
14 emergency medical services personnel, and the victim was acting in the line
15 of duty shall not be released on probation or parole until he or she has served
16 at least fifty percent (50%) of the sentence imposed.

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

24 **(e) A violent offender who has been convicted of Class C or D felony and has**
25 **previously been classified as a violent offender pursuant to subsection (1) of**
26 **this section shall not be released on probation, shock probation, parole,**
27 **conditional discharge, or other form of early release until he or she has**

1 *served at least eighty-five percent (85%) of the sentence imposed.*

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

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

11 (6) This section shall apply only to those persons who commit offenses after July 15,
12 1998.

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

15 (8) The provisions of subsection (1) of this section extending the definition of "violent
16 offender" to persons convicted of or pleading guilty to robbery in the first degree
17 shall apply only to persons whose crime was committed after July 15, 2002.

18 ➔Section 33. KRS 508.075 is amended to read as follows:

19 (1) A person is guilty of terroristic threatening in the first degree when he or she:

20 (a) Intentionally makes false statements that he or she or another person has
21 placed a weapon of mass destruction on:

22 1. The real property or any building of any public or private elementary or
23 secondary school, vocational school, or institution of postsecondary
24 education;

25 2. A school bus or other vehicle owned, operated, or leased by a school;

26 3. The real property or any building public or private that is the site of an
27 official school-sanctioned function;

1 4. The real property or any building owned or leased by a government
2 agency;~~[-or]~~

3 5. The real property or any building owned or leased by a domestic
4 violence shelter as defined in KRS 511.085;~~[-or]~~

5 **6. Any workplace; or**

6 **7. The real property or any building public or private that is the site of**
7 **any gathering of three (3) or more persons; or**

8 (b) Intentionally and without lawful authority, places a counterfeit weapon of
9 mass destruction at any location or on any object specified in paragraph (a) of
10 this subsection.

11 (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is
12 placed, with the written permission of the chief officer of the school or other
13 institution, as a part of an official training exercise and is placed by a public
14 servant, as defined in KRS 522.010.

15 (3) A person is not guilty of commission of an offense under this section if he or she,
16 innocently and believing the information to be true, communicates a threat made by
17 another person to school personnel, domestic violence shelter personnel, a peace
18 officer, a law enforcement agency, a public agency involved in emergency
19 response, or a public safety answering point and identifies the person from whom
20 the threat was communicated, if known.

21 (4) Terroristic threatening in the first degree is a Class C felony.

22 ➔Section 34. KRS 508.078 is amended to read as follows:

23 (1) A person is guilty of terroristic threatening in the second degree when, other than as
24 provided in KRS 508.075, he or she intentionally:

25 (a) With respect to any scheduled, publicly advertised event open to the public,
26 any place of worship,~~[-or]~~ any school function, **any workplace, or any**
27 **gathering of three (3) or more persons,** threatens to commit **by any means,**

1 including by use of a firearm, any act likely to result in death or serious
2 physical injury to any person~~[at a scheduled, publicly advertised event open~~
3 ~~to the public, any person at a place of worship, or any student group, teacher,~~
4 ~~volunteer worker, or employee of a public or private elementary or secondary~~
5 ~~school, vocational school, or institution of postsecondary education, or to any~~
6 ~~other person reasonably expected to lawfully be on school property or at a~~
7 ~~school-sanctioned activity, if the threat is related to their employment by a~~
8 ~~school, or work or attendance at school, or a school function]~~. A threat
9 directed at a person or persons at a scheduled, publicly advertised event open
10 to the public, place of worship,~~[or]~~ school, workplace, or gathering of three
11 (3) or more persons does not need to identify a specific person or persons or
12 school in order for a violation of this section to occur;

13 (b) Makes false statements by any means, including by electronic
14 communication, indicating that an act likely to result in death or serious
15 physical injury is occurring or will occur for the purpose of:

- 16 1. Causing evacuation of a school building, school property, or school-
17 sanctioned activity;
- 18 2. Causing cancellation of school classes or school-sanctioned activity; or
- 19 3. Creating fear of death or serious physical injury among students,
20 parents, or school personnel;

21 (c) Makes false statements that he or she has placed a weapon of mass destruction
22 at any location other than one specified in KRS 508.075; or

23 (d) Without lawful authority places a counterfeit weapon of mass destruction at
24 any location other than one specified in KRS 508.075.

25 (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is
26 placed as part of an official training exercise by a public servant, as defined in KRS
27 522.010.

1 (3) A person is not guilty of commission of an offense under this section if he or she,
2 innocently and believing the information to be true, communicates a threat made by
3 another person to school personnel, a peace officer, a law enforcement agency, a
4 public agency involved in emergency response, or a public safety answering point
5 and identifies the person from whom the threat was communicated, if known.

6 (4) Except as provided in subsection (5) of this section, terroristic threatening in the
7 second degree is a Class D felony.

8 (5) Terroristic threatening in the second degree is a Class C felony when, in addition to
9 violating subsection (1) of this section, the person intentionally engages in
10 substantial conduct required to prepare for or carry out the threatened act, including
11 but not limited to gathering weapons, ammunition, body armor, vehicles, or
12 materials required to manufacture a weapon of mass destruction.

13 ➔Section 35. KRS 158.155 is amended to read as follows:

14 (1) *Any school employee who knows or has reasonable cause to believe that a person*
15 *has made threats or plans of violence which are intended to target a school or*
16 *students or who knows that a firearm is present on school property in violation of*
17 *KRS 527.070 shall immediately cause a report to be made to a local law*
18 *enforcement agency not established by the local board of education and to the*
19 *Department of Kentucky State Police.*

20 (2) *Any school employee shall immediately report to a local law enforcement agency*
21 *not established by the local board of education and to the Department of*
22 *Kentucky State Police any act which the employee has a reasonable cause to*
23 *believe has occurred on school property or at a school-sponsored or sanctioned*
24 *event involving:*

25 *(a) Assault resulting in serious physical injury;*

26 *(b) A sexual offense;*

27 *(c) Kidnapping;*

- 1 (d) Assault with the use of a weapon;
- 2 (e) Possession of a firearm or deadly weapon in violation of the law;
- 3 (f) The use, possession, or sale of a controlled substance in violation of the
- 4 law; or
- 5 (g) Damage to property.

6 (3) Any school employee who receives information from a student or other person of
 7 conduct which is required to be reported under subsection (1) or (2) of this
 8 section shall report the conduct in the same manner as required by that
 9 subsection.

10 (4) If a student has been adjudicated guilty of an offense specified in this subsection or
 11 has been expelled from school for an offense specified in this subsection, prior to a
 12 student's admission to any school, the parent, guardian, principal, or other person or
 13 agency responsible for a student shall provide to the school a sworn statement or
 14 affirmation indicating on a form provided by the Kentucky Board of Education that
 15 the student has been adjudicated guilty or expelled from school attendance at a
 16 public or private school in this state or another state for homicide, assault, or an
 17 offense in violation of state law or school regulations relating to weapons, alcohol,
 18 or drugs. The sworn statement or affirmation shall be sent to the receiving school
 19 within five (5) working days of the time when the student requests enrollment in the
 20 new school.

21 ~~(5)(2)~~ If any student who has been expelled from attendance at a public or private
 22 school in this state for homicide, assault, or an offense in violation of state law or
 23 school regulations relating to weapons, alcohol, or drugs requests transfer of his
 24 records, those records shall reflect the charges and final disposition of the expulsion
 25 proceedings.

26 ~~(6)(3)~~ If any student who is subject to an expulsion proceeding at a public or private
 27 school in this state for homicide, assault, or an offense in violation of state law or

1 school regulations relating to weapons, alcohol, or drugs requests transfer of his
2 records to a new school, the records shall not be transferred until that proceeding
3 has been terminated and shall reflect the charges and any final disposition of the
4 expulsion proceedings.

5 ~~[(4) A person who is an administrator, teacher, or other employee of a public or private
6 school shall promptly make a report to the local police department, sheriff, or the
7 Department of Kentucky State Police, by telephone or otherwise, if:~~

8 ~~(a) The person knows or has reasonable cause to believe that conduct has
9 occurred which constitutes:~~

10 ~~1. A misdemeanor or violation offense under the laws of this
11 Commonwealth and relates to:~~

12 ~~a. Carrying, possession, or use of a deadly weapon; or~~

13 ~~b. Use, possession, or sale of controlled substances; or~~

14 ~~2. Any felony offense under the laws of this Commonwealth; and~~

15 ~~(b) The conduct occurred on the school premises or within one thousand (1,000)
16 feet of school premises, on a school bus, or at a school sponsored or
17 sanctioned event.~~

18 ~~(5) A person who is an administrator, teacher, supervisor, or other employee of a public
19 or private school who receives information from a student or other person of
20 conduct which is required to be reported under subsection (1) of this section shall
21 report the conduct in the same manner as required by that subsection.]~~

22 ~~(Z) [(6)]~~ Neither the husband-wife privilege of KRE 504 nor any professional-client
23 privilege, including those set forth in KRE 506 and 507, shall be a ground for
24 refusing to make a report required under this section or for excluding evidence in a
25 judicial proceeding of the making of a report and of the conduct giving rise to the
26 making of a report. However, the attorney-client privilege of KRE 503 and the
27 religious privilege of KRE 505 are grounds for refusing to make a report or for

1 excluding evidence as to the report and the underlying conduct.

2 ~~(8)(7)~~ Nothing in this section shall be construed as to require self-incrimination.

3 ~~(9)(8)~~ A person acting upon reasonable cause in the making of a report under this
4 section in good faith shall be immune from any civil or criminal liability that might
5 otherwise be incurred or imposed from:

6 (a) Making the report; and

7 (b) Participating in any judicial proceeding that resulted from the report.

8 ➔Section 36. KRS 158.148 is amended to read as follows:

9 (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or
10 social behavior among students that involves a real or perceived power
11 imbalance and is repeated or has the potential to be repeated:

12 1. That occurs on school premises, on school-sponsored transportation, or
13 at a school-sponsored event; or

14 2. That disrupts the education process.

15 (b) This definition shall not be interpreted to prohibit civil exchange of opinions
16 or debate or cultural practices protected under the state or federal Constitution
17 where the opinion expressed does not otherwise materially or substantially
18 disrupt the education process.

19 (2) In cooperation with the Kentucky Education Association, the Kentucky School
20 Boards Association, the Kentucky Association of School Administrators, the
21 Kentucky Association of Professional Educators, the Kentucky Association of
22 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber
23 of Commerce, the Farm Bureau, members of the Interim Joint Committee on
24 Education, and other interested groups, and in collaboration with the Center for
25 School Safety, the Department of Education shall develop or update as needed and
26 distribute to all districts by August 31 of each even-numbered year, beginning
27 August 31, 2008:

- 1 (a) Statewide student discipline guidelines to ensure safe schools, including the
2 definition of serious incident for the reporting purposes as identified in KRS
3 158.444;
- 4 (b) Recommendations designed to improve the learning environment and school
5 climate, parental and community involvement in the schools, and student
6 achievement; and
- 7 (c) A model policy to implement the provisions of this section and KRS 158.156,
8 158.444, 525.070, and 525.080.
- 9 (3) The department shall obtain statewide data on major discipline problems and
10 reasons why students drop out of school. In addition, the department, in
11 collaboration with the Center for School Safety, shall identify successful strategies
12 currently being used in programs in Kentucky and in other states and shall
13 incorporate those strategies into the statewide guidelines and the recommendations
14 under subsection (2) of this section.
- 15 (4) Copies of the discipline guidelines shall be distributed to all school districts. The
16 statewide guidelines shall contain broad principles and legal requirements to guide
17 local districts in developing their own discipline code and school councils in the
18 selection of discipline and classroom management techniques under KRS
19 158.155~~[158.154]~~; and in the development of the district-wide safety plan.
- 20 (5) (a) Each local board of education shall be responsible for formulating a code of
21 acceptable behavior and discipline to apply to the students in each school
22 operated by the board. The code shall be updated no less frequently than every
23 two (2) years, with the first update being completed by November 30, 2008.
- 24 (b) The superintendent, or designee, shall be responsible for overall
25 implementation and supervision, and each school principal shall be
26 responsible for administration and implementation within each school. Each
27 school council shall select and implement the appropriate discipline and

1 classroom management techniques necessary to carry out the code. The board
2 shall establish a process for a two-way communication system for teachers
3 and other employees to notify a principal, supervisor, or other administrator of
4 an existing emergency.

5 (c) The code shall prohibit bullying.

6 (d) The code shall contain the type of behavior expected from each student, the
7 consequences of failure to obey the standards, and the importance of the
8 standards to the maintenance of a safe learning environment where orderly
9 learning is possible and encouraged.

10 (e) The code shall contain:

11 1. Procedures for identifying, documenting, and reporting incidents of
12 bullying, incidents of violations of the code, and incidents for which
13 reporting is required under KRS 158.156;

14 2. Procedures for investigating and responding to a complaint or a report of
15 bullying or a violation of the code, or of an incident for which reporting
16 is required under KRS 158.156, including reporting incidents to the
17 parents, legal guardians, or other persons exercising custodial control or
18 supervision of the students involved;

19 3. A strategy or method of protecting from retaliation a complainant or
20 person reporting an incident of bullying, a violation of the code, or an
21 incident for which reporting is required under KRS 158.156;

22 4. A process for informing students, parents, legal guardians, or other
23 persons exercising custodial control or supervision, and school
24 employees of the requirements of the code and the provisions of this
25 section and KRS 158.156, 158.444, 525.070, and 525.080, including
26 training for school employees; and

27 5. Information regarding the consequences of bullying and violating the

1 code and violations reportable under KRS ~~158.155~~[158.154], 158.156,
2 or 158.444.

3 (f) The principal of each school shall apply the code of behavior and discipline
4 uniformly and fairly to each student at the school without partiality or
5 discrimination.

6 (g) A copy of the code of behavior and discipline adopted by the board of
7 education shall be posted at each school. Guidance counselors shall be
8 provided copies for discussion with students. The code shall be referenced in
9 all school handbooks. All school employees and parents, legal guardians, or
10 other persons exercising custodial control or supervision shall be provided
11 copies of the code.

12 ➔Section 37. KRS 506.040 is amended to read as follows:

13 (1) A person having the intention of promoting or facilitating the commission of a
14 crime is guilty of criminal conspiracy when he:

15 (a) Agrees with one (1) or more persons that at least one (1) of them will engage
16 in conduct constituting that crime or an attempt or solicitation to commit such
17 a crime; or

18 (b) Agrees to aid one or more persons in the planning or commission of that
19 crime or an attempt or solicitation to commit such a crime.

20 (2) Except as provided in subsection (3) of this section, or in a specific statute to the
21 contrary, a criminal conspiracy is a:

22 (a) Class C felony when the conspiratorial agreement is a violation of KRS
23 521.020 or 521.050;

24 (b) Class B felony when the object of the conspiratorial agreement is a Class A
25 felony or capital offense;

26 (c) Class C felony when the object of the conspiratorial agreement is a Class B
27 felony;

1 (d) Class A misdemeanor when the object of the conspiratorial agreement is a
2 Class C or D felony;

3 (e) Class B misdemeanor when the object of the conspiratorial agreement is a
4 misdemeanor.

5 **(3) Any person who is eighteen (18) years of age or older who engages in a criminal**
6 **conspiracy with a minor shall be charged one (1) level higher than the level**
7 **provided for the offense which is the object of the conspiratorial agreement.**

8 ➔Section 38. KRS 218A.1402 is amended to read as follows:

9 **Except as provided in subsection (3) of Section 37 of this Act,** any person who commits
10 a criminal conspiracy as defined in KRS 506.040 to commit any offense in this chapter
11 shall be subject to the same penalties as provided for the underlying offense as specified
12 in this chapter.

13 ➔Section 39. KRS 508.060 is amended to read as follows:

14 (1) A person is guilty of wanton endangerment in the first degree when, under
15 circumstances manifesting extreme indifference to the value of human life, he **or**
16 **she** wantonly engages in conduct which creates a substantial danger of death or
17 serious physical injury to another person.

18 (2) Wanton endangerment in the first degree is a Class D felony, **unless the person**
19 **discharges a firearm in the commission of the offense, in which case it is a Class**
20 **C felony.**

21 ➔Section 40. KRS 524.040 is amended to read as follows:

22 (1) A person is guilty of intimidating a participant in the legal process when, by use of
23 **harassing communications as described in KRS 525.080,** physical force, or a
24 threat directed to a person he **or she** believes to be a participant in the legal process,
25 he or she:

26 (a) Influences, or attempts to influence, the testimony, vote, decision, or opinion
27 of that person;

- 1 (b) Induces, or attempts to induce, that person to avoid legal process summoning
2 him or her to testify;
- 3 (c) Induces, or attempts to induce, that person to absent himself or herself from
4 an official proceeding to which he has been legally summoned;
- 5 (d) Induces, or attempts to induce, that person to withhold a record, document, or
6 other object from an official proceeding;
- 7 (e) Induces, or attempts to induce, that person to alter, destroy, mutilate, or
8 conceal an object with intent to impair the object's integrity or availability for
9 use in an official proceeding; or
- 10 (f) Hinders, delays, or prevents the communication to a law enforcement officer
11 or judge of information relating to the possible commission of an offense or a
12 violation of conditions of probation, parole or release pending judicial
13 proceedings.
- 14 (2) For purposes of this section:
- 15 (a) An official proceeding need not be pending or about to be instituted at the
16 time of the offense; and
- 17 (b) The testimony, record, document, or other object need not be admissible in
18 evidence or free of a claim of privilege.
- 19 (3) Intimidating a participant in the legal process is a Class D felony.
- 20 (4) In order for a person to be convicted of a violation of this section, the act against a
21 participant in the legal process or the immediate family of a participant in the legal
22 process shall be related to the performance of a duty or role played by the
23 participant in the legal process.
- 24 ➔Section 41. KRS 439.340 is amended to read as follows:
- 25 (1) The board may release on parole persons confined in any adult state penal or
26 correctional institution of Kentucky or sentenced felons incarcerated in county jails
27 eligible for parole. All paroles shall issue upon order of the board duly adopted. As

1 soon as practicable after his or her admission to an adult state penal or correctional
2 institution or county jail if he or she is a sentenced felon, and at such intervals
3 thereafter as it may determine, the Department of Corrections shall obtain all
4 pertinent information regarding each prisoner, except those not eligible for parole.
5 The information shall include the results of his or her most recent risk and needs
6 assessment, his or her criminal record, his or her conduct, employment, and the
7 reports of physical and mental examinations that have been made. The Department
8 of Corrections shall furnish the circumstances of his or her offense, the results of
9 his or her most recent risk and needs assessment, and his or her previous social
10 history to the board. The Department of Corrections shall prepare a report on any
11 information it obtains. It shall be the duty of the Department of Corrections to
12 supplement this report with any material the board may request and submit the
13 report to the board.

14 (2) Before granting the parole of any prisoner, the board shall consider the pertinent
15 information regarding the prisoner, including the results of his or her most recent
16 risk and needs assessment, and shall have him or her appear before it for interview
17 and hearing. The board in its discretion may hold interviews and hearings for
18 prisoners convicted of Class C felonies not included within the definition of
19 "violent offender" in KRS 439.3401 and Class D felonies not included within the
20 definition of "sex crime" in KRS 17.500. The board in its discretion may request the
21 parole board of another state confining prisoners pursuant to KRS 196.610 to
22 interview eligible prisoners and make a parole recommendation to the board. A
23 parole shall be ordered only for the best interest of society and not as an award of
24 clemency, and it shall not be considered a reduction of sentence or pardon. A
25 prisoner shall be placed on parole only when arrangements have been made for his
26 or her proper employment or for his or her maintenance and care, and when the
27 board believes he or she is able and willing to fulfill the obligations of a law abiding

1 citizen. Notwithstanding any statute to the contrary, including KRS 440.330, when
2 a prisoner is otherwise eligible for parole and the board has recommended parole
3 for that prisoner for the reasons set forth in this subsection, the board may grant
4 parole to any prisoner wanted as a fugitive by any other jurisdiction, and the
5 prisoner shall be released to the detainer from that jurisdiction. Such parole shall
6 not constitute a relinquishment of jurisdiction over the prisoner, and the board in all
7 cases expressly reserves the right to return the prisoner to confinement in a
8 correctional institution of the Commonwealth if the prisoner violates the terms of
9 his or her parole.

10 (3) (a) A nonviolent offender convicted of a Class D felony with an aggregate
11 sentence of one (1) to five (5) years who is confined to a state penal institution
12 or county jail shall have his or her case reviewed by the Parole Board after
13 serving fifteen percent (15%) or two (2) months of the original sentence,
14 whichever is longer.

15 (b) Except as provided in this section, the board shall adopt administrative
16 regulations with respect to the eligibility of prisoners for parole, the conduct
17 of parole and parole revocation hearings and all other matters that come
18 before it, or conditions to be imposed upon parolees. Regulations governing
19 the eligibility of prisoners for parole shall be in accordance with
20 professionally accepted ideas of correction and reform and may utilize in part
21 objective, performance-based criteria and risk and needs assessment
22 information; however, nothing herein contained shall preclude the board from
23 utilizing its present regulations in conjunction with other factors involved that
24 would relate to the inmate's needs and the safety of the public.

25 (4) The board shall ~~ensure~~insure that all sentenced felons who have longer than
26 ninety (90) days to serve in state penal institutions, halfway houses, reentry centers,
27 and county jails are considered for parole not less than sixty (60) days prior to their

1 parole eligibility date, and the Department of Corrections shall provide the
2 necessary assistance and information to the board in order for it to conduct timely
3 parole reviews.

4 (5) In addition to or in conjunction with each hearing conducted under subsection (2) of
5 this section for any prisoner convicted of a Class A, B, or C felony or a Class D
6 felony included within the definition of "sex crime" in KRS 17.500 and prior to the
7 granting of a parole to any such prisoner, the Parole Board shall conduct a hearing
8 of which the following persons shall receive not less than forty-five (45) nor more
9 than ninety (90) days' notice: the Commonwealth's attorney who shall notify the
10 sheriff of every county and the chief of police of every city and county in which the
11 prisoner committed any Class A, B, or C felony or a Class D felony included within
12 the definition of "sex crime" in KRS 17.500 for which he or she is imprisoned, and
13 all identified victims of the crimes or the next of kin of any victim who is deceased.
14 Notice to the Commonwealth's attorney shall be by mail, fax, or electronic means at
15 the discretion of the board, and shall be in a manner that ensures receipt at the
16 Commonwealth's~~Commonwealth~~ attorney's business office. Notices received by
17 chiefs of police and sheriffs shall be posted in a conspicuous location where police
18 employed by the department may see it. Notices shall be posted in a manner and at
19 a time that will allow officers to make comment thereon to the Parole Board. Notice
20 to victims or their next of kin shall be made, for prisoners incarcerated prior to July
21 15, 1986, by mail, fax, or electronic means at the discretion of the board, and shall
22 be in a manner that ensures receipt by the Commonwealth's attorney, who shall
23 forward the notice promptly to the victims or their next of kin at their last known
24 address. For prisoners incarcerated on or after July 15, 1986, notice to the victims
25 or their next of kin shall be by mail from the Parole Board to their last known
26 address as provided by the Commonwealth's attorney to the Parole Board at the
27 time of incarceration of the prisoner. For prisoners incarcerated prior to April 1,

1 2021, for a Class D felony included within the definition of "sex crime" in KRS
2 17.500, notice to the victims or their next of kin shall be in a manner that ensures
3 receipt by the Commonwealth's attorney, who shall forward the notice promptly to
4 the victims or their next of kin at their last known address. For prisoners
5 incarcerated on or after April 1, 2021, for a Class D felony included within the
6 definition of "sex crime" in KRS 17.500, notice to the victims or their next of kin
7 shall be by mail from the Parole Board to their last known address as provided by
8 the Commonwealth's attorney to the Parole Board at the time of incarceration of the
9 prisoner. Notice to the victim or the next of kin of subsequent considerations for
10 parole after the initial consideration shall not be sent if the victim or the next of kin
11 gives notice to the board that he or she no longer wants to receive such notices. The
12 notice shall include the time, date, and place of the hearing provided for in this
13 subsection, and the name and address of a person to write if the recipient of the
14 notice desires to attend the hearing or to submit written comments.

15 (6) Persons receiving notice as provided for in subsection (5) of this section may
16 submit comments, in person or in writing, to the board upon all issues relating to
17 the parole of the prisoner. The board shall read and consider all comments prior to
18 making its parole decision, if they are received by the board not less than seven (7)
19 days before the date for the hearing. The board shall retain all comments in the
20 prisoner's permanent Parole Board file, and shall consider them in conjunction with
21 any subsequent parole decisions affecting the prisoner. In addition to officers listed
22 in subsection (5) of this section, the crime victims or the next of kin of any victim
23 who is deceased or who is disabled and cannot attend the hearing or the parent or
24 legal guardian of any victim who is a minor may attend the hearing provided for in
25 subsection (5) of this section and present oral and written comments upon all issues
26 relating to the parole of the prisoner, if they have advised the board, in writing
27 received by the board not less than seven (7) days prior to the date set for the

1 hearing, of their intention to attend the hearing. The board shall receive and
2 consider all comments, shall make a record of them which it shall retain in the
3 prisoner's permanent Parole Board file, and shall consider them in conjunction with
4 any subsequent parole decision affecting the prisoner. Persons appearing before the
5 Parole Board pursuant to this subsection may elect to make their presentations
6 outside of the presence of the prisoner.

7 (7) Victims of Class D felonies not included within the definition of "sex crime" in
8 KRS 17.500 may submit comments in person or in writing to the board upon all
9 issues relating to the parole of a prisoner.

10 (8) Any hearing provided for in subsections (5), (6), and (7) of this section shall be
11 open to the public unless the persons having a right to appear before the board as
12 specified in those subsections request closure of hearing for reasons of personal
13 safety, in which event the hearing shall be closed. The time, date, and location of
14 closed hearings shall not be disclosed to the public.

15 (9) Except as specifically set forth in this section, nothing in this section shall be
16 deemed to expand or abridge any existing rights of persons to contact and
17 communicate with the Parole Board or any of its members, agents, or employees.

18 (10) The unintentional failure by the Parole Board, sheriff, chief of police, or any of its
19 members, agents, or employees or by a Commonwealth's attorney or any of his or
20 her agents or employees to comply with any of the provisions of subsections (5),
21 (6), and (8) of this section shall not affect the validity of any parole decision or give
22 rise to any right or cause of action by the crime victim, the prisoner, or any other
23 person.

24 (11) No eligible sexual offender within the meaning of KRS 197.400 to 197.440 shall be
25 granted parole unless he or she has successfully completed the Sexual Offender
26 Treatment Program.

27 (12) Any prisoner who is granted parole after completion of the Sexual Offender

1 Treatment Program shall be required, as a condition of his or her parole, to
2 participate in regular treatment in a mental health program approved or operated by
3 the Department of Corrections.

4 (13) When the board grants parole contingent upon completion of a program, the
5 commissioner, or his or her designee, shall determine the most appropriate
6 placement in a program operated by the department or a residential or
7 nonresidential program within the community approved by the department. If the
8 department releases a parolee to a nonresidential program, the department shall
9 release the parolee only if he or she will have appropriate community housing
10 pursuant to KRS 439.3408.

11 (14) If the Parole Board does not grant parole to a prisoner, the maximum deferment for
12 a prisoner convicted of a non-violent, non-sexual Class C or Class D felony shall be
13 twenty-four (24) months. For all other prisoners who are eligible for parole:

14 (a) No parole deferment greater than five (5) years shall be ordered unless
15 approved by a majority vote of the full board; and

16 (b) No deferment shall exceed ten (10) years, except for life sentences.

17 (15) When an order for parole is issued, it shall recite the conditions thereof, which may
18 include requiring the person to participate in a specific program designed to
19 reduce violence.

20 ➔Section 42. KRS 533.030 is amended to read as follows:

21 (1) The conditions of probation and conditional discharge shall be such as the court, in
22 its discretion, deems reasonably necessary to ensure that the defendant will lead a
23 law-abiding life or to assist him or her to do so. The court shall provide as an
24 explicit condition of every sentence to probation or conditional discharge that the
25 defendant not commit another offense during the period for which the sentence
26 remains subject to revocation.

27 (2) When imposing a sentence of probation or conditional discharge, the court may, in

- 1 addition to any other reasonable condition, require that the defendant:
- 2 (a) Avoid injurious or vicious habits;
- 3 (b) Avoid persons or places of disreputable or harmful character;
- 4 (c) Work faithfully at suitable employment as far as possible;
- 5 (d) Undergo available medical or psychiatric treatment and remain in a specific
- 6 institution as required for that purpose;
- 7 (e) Post a bond, without surety, conditioned on performance of any of the
- 8 prescribed conditions;
- 9 (f) Support his or her dependents and meet other family responsibilities;
- 10 (g) Pay the cost of the proceeding as set by the court;
- 11 (h) Remain within a specified area;
- 12 (i) Report to the probation officer as directed;
- 13 (j) Permit the probation officer to visit him or her at his or her home or
- 14 elsewhere;
- 15 (k) Answer all reasonable inquiries by the probation officer and promptly notify
- 16 the probation officer of any change in address or employment;
- 17 (l) Submit to periodic testing for the use of controlled substances or alcohol, if
- 18 the defendant's record indicates a controlled substance or alcohol problem,
- 19 and to pay a reasonable fee, as determined by the court, which fee shall not
- 20 exceed the actual cost of the test and analysis and shall be paid directly to the
- 21 agency or agencies responsible for testing and analysis as compensation for
- 22 the cost of the testing and analysis, as specified by written order of the court,
- 23 performed under this subsection. For good cause shown, the testing fee may
- 24 be waived by the court;
- 25 (m) Use an alcohol monitoring device, as defined in KRS 431.068. All costs
- 26 associated with the device, including administrative and operating costs, shall
- 27 be paid by the defendant. If the court determines that the defendant is

1 indigent, and a person, county, or other organization has not agreed to pay the
2 costs for the defendant in an attempt to reduce incarceration expenses and
3 increase public safety, the court shall consider other conditions of probation or
4 conditional discharge provided for in this section;~~[-or]~~

5 (n) During all or part of the period of probation or conditional discharge,
6 participate in a global positioning monitoring system program operated by a
7 county pursuant to KRS 67.372 and 67.374 under the same terms and
8 conditions as provided in KRS 431.517; or

9 (o) Participate in a specific program designed to reduce violence.

10 (3) When imposing a sentence of probation or conditional discharge in a case where a
11 victim of a crime has suffered monetary damage as a result of the crime due to his
12 or her property having been converted, stolen, or unlawfully obtained, or its value
13 substantially decreased as a result of the crime, or where the victim suffered actual
14 medical expenses, direct out-of-pocket losses, or loss of earning as a direct result of
15 the crime, or where the victim incurred expenses in relocating for the purpose of the
16 victim's safety or the safety of a member of the victim's household, or if as a direct
17 result of the crime the victim incurred medical expenses that were paid by the
18 Cabinet for Health and Family Services, the Crime Victims Compensation Board,
19 or any other governmental entity, the court shall order the defendant to make
20 restitution in addition to any other penalty provided for the commission of the
21 offense. Payment of restitution to the victim shall have priority over payment of
22 restitution to any government agency. Restitution shall be ordered in the full
23 amount of the damages, unless the damages exceed one hundred thousand dollars
24 (\$100,000) or twice the amount of the gain from the commission of the offense,
25 whichever is greater, in which case the higher of these two (2) amounts shall be
26 awarded. The court may, in lieu of ordering monetary restitution, order the
27 defendant to make restitution by working for or on behalf of the victim. The court

1 shall determine the number of hours of work necessary by applying the then-
2 prevailing federal minimum wage to the total amount of monetary damage caused
3 by or incidental to the commission of the crime. The court may, with the consent of
4 the agency, order the defendant to work as specified in KRS 533.070. Any work
5 ordered pursuant to this section shall not be deemed employment for any purpose,
6 nor shall the person performing the work be deemed an employee for any purpose.
7 Where there is more than one (1) defendant or more than one (1) victim, restitution
8 may be apportioned. Restitution shall be subject to the following additional terms
9 and conditions:

- 10 (a) Where property which is unlawfully in the possession of the defendant is in
11 substantially undamaged condition from its condition at the time of the taking,
12 return of the property shall be ordered in lieu of monetary restitution;
- 13 (b) The circuit clerk shall assess an additional fee of five percent (5%) to defray
14 the administrative costs of collection of payments or property. This fee shall
15 be paid by the defendant and shall inure to a trust and agency account which
16 shall not lapse and which shall be used to hire additional deputy clerks and
17 office personnel or increase deputy clerk or office personnel salaries, or
18 combination thereof;
- 19 (c) When a defendant fails to make restitution ordered to be paid through the
20 circuit clerk or a court-authorized program run by the county attorney or the
21 Commonwealth's attorney, the circuit clerk or court-authorized program shall
22 notify the court; and
- 23 (d) An order of restitution shall not preclude the owner of property or the victim
24 who suffered personal physical or mental injury or out-of-pocket loss of
25 earnings or support or other damages from proceeding in a civil action to
26 recover damages from the defendant. A civil verdict shall be reduced by the
27 amount paid under the criminal restitution order.

1 (4) When requiring fees for controlled substances or alcohol tests, or other fees and
2 payments authorized by this section or other statute, except restitution, to be paid by
3 the defendant, the court shall not order the payments to be paid through the circuit
4 clerk.

5 (5) When a defendant is sentenced to probation or conditional discharge, he or she shall
6 be given a written statement explicitly setting forth the conditions under which he
7 or she is being released.

8 (6) When imposing a sentence of probation or conditional discharge, the court, in
9 addition to conditions imposed under this section, may require as a condition of the
10 sentence that the defendant submit to a period of imprisonment in the county jail or
11 to a period of home incarceration at whatever time or intervals, consecutive or
12 nonconsecutive, the court shall determine. The time actually spent in confinement
13 or home incarceration pursuant to this provision shall not exceed twelve (12)
14 months or the maximum term of imprisonment assessed pursuant to KRS Chapter
15 532, whichever is the shorter. Time spent in confinement or home incarceration
16 under this subsection shall be credited against the maximum term of imprisonment
17 assessed for the defendant pursuant to KRS Chapter 532, if probation or conditional
18 discharge is revoked and the defendant is sentenced to imprisonment. Any
19 prohibitions against probation, shock probation, or conditional discharge under
20 KRS 533.060(2) or 532.045 shall not apply to persons convicted of a misdemeanor
21 or Class D felony and sentenced to a period of confinement or home incarceration
22 under this section.

23 ➔Section 43. KRS 403.763 is amended to read as follows:

24 (1) Violation of the terms or conditions of an order of protection after the person has
25 been served or given notice of the order shall constitute contempt of court and a
26 criminal offense under this section. Once a criminal or contempt proceeding has
27 been initiated, the other shall not be undertaken regardless of the outcome of the

1 original proceeding.

2 (2) (a) Court proceedings for contempt of court for violation of an order of protection
3 shall be held in the county where the order was issued or filed.

4 (b) Court proceedings for a criminal violation of an order of protection shall
5 follow the rules of venue applicable to criminal cases generally.

6 (3) Nothing in this section shall preclude the Commonwealth from prosecuting and
7 convicting the respondent of criminal offenses other than violation of an order of
8 protection.

9 (4) (a) A person is guilty of a violation of an order of protection when he or she
10 intentionally violates the provisions of an order of protection after the person
11 has been served or given notice of the order.

12 (b) A first violation of an order of protection is a Class A misdemeanor.

13 (c) 1. A second or subsequent violation of an order of protection within five
14 (5) years is a Class D felony.

15 2. The victim in the second or subsequent violation is not required to be
16 the same person who was the victim in one (1) or more of the prior
17 violations in order for this paragraph to apply.

18 3. In determining the five (5) year period under this paragraph, the
19 period shall be measured from the dates on which the violations
20 occurred for which the judgments of conviction were entered by a
21 court of competent jurisdiction.

22 ➔Section 44. KRS 456.180 is amended to read as follows:

23 (1) Violation of the terms or conditions of an order of protection after the person has
24 been served or given notice of the order shall constitute contempt of court and a
25 criminal offense under this section. Once a criminal or contempt proceeding has
26 been initiated, the other shall not be undertaken regardless of the outcome of the
27 original proceeding.

- 1 (2) (a) Court proceedings for contempt of court for violation of an order of protection
2 shall be held in the county where the order was issued or filed.
- 3 (b) Court proceedings for a criminal violation of an order of protection shall
4 follow the rules of venue applicable to criminal cases generally.
- 5 (3) Nothing in this section shall preclude the Commonwealth from prosecuting and
6 convicting the respondent of criminal offenses other than violation of an order of
7 protection.
- 8 (4) (a) A person is guilty of a violation of an order of protection when he or she
9 intentionally violates the provisions of an interpersonal protective order after
10 the person has been served or given notice of the order.
- 11 (b) A first violation of an order of protection is a Class A misdemeanor.
- 12 (c) 1. A second or subsequent violation of an order of protection within five
13 (5) years is a Class D felony.
- 14 2. The victim in the second or subsequent violation is not required to be
15 the same person who was the victim in one (1) or more of the prior
16 violations in order for this paragraph to apply.
- 17 3. In determining the five (5) year period under this paragraph, the
18 period shall be measured from the dates on which the violations
19 occurred for which the judgments of conviction were entered by a
20 court of competent jurisdiction.

21 ➔Section 45. KRS 500.080 is amended to read as follows:

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

- 23 (1) "Actor" means any natural person and, where relevant, a corporation or an
24 unincorporated association;
- 25 (2) "Crime" means a misdemeanor or a felony;
- 26 (3) "Dangerous instrument" means any instrument, including parts of the human body
27 when a serious physical injury is a direct result of the use of that part of the human

- 1 body, article, or substance which, under the circumstances in which it is used,
2 attempted to be used, or threatened to be used, is readily capable of causing death or
3 serious physical injury. "Dangerous instrument" may include a laser;
- 4 (4) "Deadly weapon" means any of the following:
- 5 (a) A weapon of mass destruction;
 - 6 (b) Any weapon from which a shot, readily capable of producing death or other
7 serious physical injury, may be discharged;
 - 8 (c) Any knife other than an ordinary pocket knife or hunting knife;
 - 9 (d) Billy, nightstick, or club;
 - 10 (e) Blackjack or slapjack;
 - 11 (f) Nunchaku karate sticks;
 - 12 (g) Shuriken or death star; or
 - 13 (h) Artificial knuckles made from metal, plastic, or other similar hard material;
- 14 (5) "Felony" means an offense for which a sentence to a term of imprisonment of at
15 least one (1) year in the custody of the Department of Corrections may be imposed;
- 16 (6) "Government" means the United States, any state, county, municipality, or other
17 political unit, or any department, agency, or subdivision of any of the foregoing, or
18 any corporation or other association carrying out the functions of government;
- 19 (7) "He" means any natural person and, where relevant, a corporation or an
20 unincorporated association;
- 21 (8) "Impacted by the disaster" means the location or in reasonable proximity to the
22 location where a natural or man-made disaster has caused physical injury, serious
23 physical injury, death, or substantial damage to property or infrastructure;
- 24 (9) "Laser" means any device designed or used to amplify electromagnetic radiation by
25 stimulated emission that emits a beam, other than a medical laser when used in
26 medical treatment or surgery;
- 27 (10) "Law" includes statutes, ordinances, and properly adopted regulatory provisions.

- 1 Unless the context otherwise clearly requires, "law" also includes the common law;
- 2 (11) "Minor" means any person who has not reached the age of majority as defined in
3 KRS 2.015;
- 4 (12) "Misdemeanor" means an offense, other than a traffic infraction, for which a
5 sentence to a term of imprisonment of not more than twelve (12) months can be
6 imposed;
- 7 (13) "Natural or man-made disaster" means a tornado, storm, or other severe weather,
8 earthquake, flood, or fire that poses a significant threat to human health and safety,
9 property, or critical infrastructure;
- 10 (14) "Offense" means conduct for which a sentence to a term of imprisonment or to a
11 fine is provided by any law of this state or by any law, local law, or ordinance of a
12 political subdivision of this state or by any law, order, rule, or regulation of any
13 governmental instrumentality authorized by law to adopt the same;
- 14 (15) "Person" means a human being, and where appropriate, a public or private
15 corporation, an unincorporated association, a partnership, a government, or a
16 governmental authority;
- 17 (16) "Physical injury" means substantial physical pain or any impairment of physical
18 condition;
- 19 (17) "Possession" means to have actual physical possession or otherwise to exercise
20 actual dominion or control over a tangible object;
- 21 (18) "Serious physical injury" means physical injury which creates a substantial risk of
22 death, or which causes serious and prolonged disfigurement, prolonged impairment
23 of health, prolonged loss or impairment of the function of any bodily organ, or eye
24 damage or visual impairment. For a child twelve (12) years of age or less at the
25 time of the injury, *or for any person if the relationship between the perpetrator*
26 *and the victim meets the definition of a family member or member of an*
27 *unmarried couple, as defined in KRS 403.720, or a dating relationship, as defined*

- 1 in KRS 456.010, a serious physical injury includes but is not limited to the
2 following:
- 3 (a) Bruising near the eyes, or on the head, neck, or lower back overlying the
4 kidneys;
- 5 (b) Any bruising severe enough to cause underlying muscle damage as
6 determined by elevated creatine kinase levels in the blood;
- 7 (c) Any bruising or soft tissue injury to the genitals that affects the ability to
8 urinate or defecate;
- 9 (d) Any testicular injury sufficient to put fertility at risk;
- 10 (e) Any burn near the eyes or involving the mouth, airway, or esophagus;
- 11 (f) Any burn deep enough to leave scarring or dysfunction of the body;
- 12 (g) Any burn requiring hospitalization, debridement in the operating room, IV
13 fluids, intubation, or admission to a hospital's intensive care unit;
- 14 (h) Rib fracture;
- 15 (i) Scapula or sternum fractures;
- 16 (j) Any broken bone that requires surgery;
- 17 (k) Head injuries that result in intracranial bleeding, skull fracture, or brain
18 injury;
- 19 (l) A concussion that results in the child becoming limp, unresponsive, or results
20 in seizure activity;
- 21 (m) Abdominal injuries that indicate internal organ damage regardless of whether
22 surgery is required;
- 23 (n) Any injury requiring surgery;
- 24 (o) Any injury that requires a blood transfusion; and
- 25 (p) Any injury requiring admission to a hospital's critical care unit;
- 26 (19) "Unlawful" means contrary to law or, where the context so requires, not permitted
27 by law. It does not mean wrongful or immoral;

1 (20) "Violation" means an offense, other than a traffic infraction, for which a sentence to
2 a fine only can be imposed; and

3 (21) "Weapon of mass destruction" means:

4 (a) Any destructive device as defined in KRS 237.030, but not fireworks as
5 defined in KRS 227.700;

6 (b) Any weapon that is designed or intended to cause death or serious physical
7 injury through the release, dissemination, or impact of toxic or poisonous
8 chemicals or their precursors;

9 (c) Any weapon involving a disease organism; or

10 (d) Any weapon that is designed to release radiation or radioactivity at a level
11 dangerous to human life.

12 ➔Section 46. KRS 514.020 is amended to read as follows:

13 (1) It is a defense to prosecution for theft that the actor:

14 (a) Was unaware that the property or service was that of another; or

15 (b) Acted under a claim of right to the property or service involved or a claim that
16 he or she had a right to acquire or dispose of it as he or she did; or

17 (c) Took property exposed for sale, intending to purchase and pay for it promptly,
18 or reasonably believing that the owner, if present, would have consented.

19 (2) It is no defense that theft was from the actor's spouse, except that misappropriation
20 of household and personal effects or other property normally accessible to both
21 spouses is theft only if it involves the property of the other spouse and only if it
22 occurs after the parties have ceased living together.

23 (3) It shall be prima facie evidence of intent to commit theft by deception when one
24 who has leased or rented the personal property of another fails to return the personal
25 property to its owner within four (4)~~ten (10)~~ days after the lease or rental
26 agreement has expired. It shall also be prima facie evidence of intent to commit
27 theft by deception when one presents to the owner identification which is false,

1 fictitious or not current as to name, address, place of employment or other items of
2 identification for the purpose of obtaining the lease or rental agreement. Nothing
3 herein contained shall relieve the owner from making demand for return of property
4 so leased or rented. Notice addressed and mailed to the lessee or renter at the
5 address given at the time of the making of the lease or rental agreement shall
6 constitute proper demand.

7 ➔Section 47. KRS 196.031 is amended to read as follows:

- 8 (1) The cabinet shall employ the personnel and operate and maintain data collection
9 and processing systems necessary to comply with the provisions of this section.
- 10 (2) The cabinet shall annually on July 1 of each year report to the Governor, the
11 Legislative Research Commission, and the Kentucky State Corrections Commission
12 on:
- 13 (a) The placement of prisoners within the Commonwealth's correctional system
14 by institution, whether imprisoned in a state prison or other institution,
15 including county jails, on probation, paroled, housed in halfway houses,
16 housed in reentry centers, sentenced to community service or otherwise;
 - 17 (b) Numbers of prisoners by type of offense;
 - 18 (c) Numbers of prisoners by number and type of prior convictions;
 - 19 (d) Numbers of prisoners paroled by type of offense and by length of time served;
 - 20 (e) Numbers of prisoners released through shock probation by type of offense and
21 by length of time served;
 - 22 (f) Numbers of prisoners serving their full sentence by type of offense;
 - 23 (g) The percentage of felony offenders on parole or some form of post-release
24 supervision who are participating or completing treatment consistent with
25 assessment results, in prison and in the community;
 - 26 (h) The percentage of felony offenders whose reassessment results demonstrate
27 reductions in criminal risk factors;

- 1 (i) The percentage of programs that demonstrate their effectiveness in reducing
2 recidivism;
- 3 (j) The percentage of felony offenders on parole or some form of post-release
4 supervision, by supervision type, who:
- 5 1. Are employed or in school within thirty (30) days, six (6) months, and
6 one (1) year of the start of supervision;
- 7 2. Have had part-time employment for a minimum of six (6) months, and
8 the percentage of offenders who have had full-time employment for a
9 minimum of six (6) months;
- 10 3. Have housing upon release from incarceration;
- 11 4. Had stable housing for at least six (6) months; and
- 12 5. Are arrested, convicted, or incarcerated within six (6) months, one (1)
13 year, and three (3) years;
- 14 (k) The percentage of admissions to prison by offenders under supervision at the
15 time of admission, including information regarding whether the violations
16 were criminal or technical;
- 17 **(l) The percentage of offenders participating in each reentry program operated**
18 **by, or operated under contract with, the department who commit a new**
19 **criminal offense within two years of their release from custody;** and
- 20 **(m)**~~(l)~~ Any other data that provides information on state-funded crime
21 reduction and recidivism reduction efforts, including caseload sizes by risk
22 level, participation in treatment and intervention programming, public safety
23 outcomes, and cost effectiveness.
- 24 (3) The cabinet shall annually report to the Governor and to the Legislative Research
25 Commission on:
- 26 (a) Numbers and types of prison beds necessary to meet current population needs
27 and six (6) year projections of those needs;

1 (b) Current personnel needs of the cabinet and five (5) year projections of the
2 needs; and

3 (c) A six (6) year projection of needed capital construction, program
4 development, and anticipated requests for appropriations.

5 ➔Section 48. KRS 520.095 is amended to read as follows:

6 (1) A person is guilty of fleeing or evading police in the first degree:

7 (a) When, while operating a motor vehicle with intent to elude or flee, the person
8 knowingly or wantonly disobeys a direction to stop his or her motor vehicle,
9 given by a person recognized to be a police officer, and at least one (1) of the
10 following conditions exists:

11 1. The person is fleeing immediately after committing an act of domestic
12 violence as defined in KRS 403.720;

13 2. The person is driving under the influence of alcohol or any other
14 substance or combination of substances in violation of KRS 189A.010;

15 3. The person is driving while his or her driver's license is suspended for
16 violating KRS 189A.010; or

17 4. By fleeing or eluding, the person is the cause, or creates substantial risk,
18 of serious physical injury or death to any person or property; or

19 (b) When, as a pedestrian, and with intent to elude or flee, the person knowingly
20 or wantonly disobeys an order to stop, given by a person recognized to be a
21 peace officer, and at least one (1) of the following conditions exists:

22 1. The person is fleeing immediately after committing an act of domestic
23 violence as defined in KRS 403.720; or

24 2. By fleeing or eluding, the person is the cause of, or creates a substantial
25 risk of, serious physical injury or death to any person or property.

26 (2) Fleeing or evading police in the first degree is a Class C~~Class D~~ felony ***and the***
27 ***defendant shall not be released on probation, shock probation, conditional***

1 **discharge, or parole until he or she has served at least fifty percent (50%) of the**
2 **sentence imposed.**

3 ➔Section 49. KRS 520.100 is amended to read as follows:

4 (1) A person is guilty of fleeing or evading police in the second degree when:

5 (a) As a pedestrian, and with intent to elude or flee, the person knowingly or
6 wantonly disobeys a direction to stop, given by a person recognized to be a
7 peace officer who has an articulable reasonable suspicion that a crime has
8 been committed by the person fleeing, and in fleeing or eluding the person is
9 the cause of, or creates a substantial risk of, physical injury to any person; or

10 (b) While operating a motor vehicle with intent to elude or flee, the person
11 knowingly or wantonly disobeys a recognized direction to stop his **or her**
12 vehicle, given by a person recognized to be a peace officer.

13 (2) No offense is committed under this section when the conduct involved constitutes a
14 failure to comply with a directive of a traffic control officer.

15 (3) Fleeing or evading police in the second degree is a **Class D felony**~~[Class A~~
16 ~~misdemeanor]~~ **and the defendant shall not be released on probation, shock**
17 **probation, conditional discharge, or parole until he or she has served at least fifty**
18 **percent (50%) of the sentence imposed.**

19 ➔Section 50. KRS 532.110 is amended to read as follows:

20 (1) When multiple sentences of imprisonment are imposed on a defendant for more
21 than one (1) crime, including a crime for which a previous sentence of probation or
22 conditional discharge has been revoked, the multiple sentences shall run
23 concurrently or consecutively as the court shall determine at the time of sentence,
24 except that:

25 (a) A definite and an indeterminate term shall run concurrently and both
26 sentences shall be satisfied by service of the indeterminate term;

27 (b) The aggregate of consecutive definite terms shall not exceed one (1) year;

- 1 (c) 1. *Except as provided in paragraph (d) of this subsection,* the aggregate
2 of consecutive indeterminate terms shall not exceed in maximum length
3 the longest extended term which would be authorized by KRS 532.080
4 for the highest class of crime for which any of the sentences is imposed.
- 5 2. In no event shall the aggregate of consecutive indeterminate terms
6 exceed seventy (70) years; and
- 7 (d) The sentences of a defendant convicted of two (2) or more felony sex crimes,
8 as defined in KRS 17.500, involving two (2) or more victims shall run
9 consecutively.
- 10 (2) If the court does not specify the manner in which a sentence imposed by it is to run,
11 the sentence shall run concurrently with any other sentence which the defendant
12 must serve unless the sentence is required by subsection (3) of this section or KRS
13 533.060 to run consecutively.
- 14 (3) Notwithstanding any provision in this section to the contrary, if a person is
15 convicted of an offense that is committed while he is imprisoned in a penal or
16 reformatory institution, during an escape from imprisonment, or while he awaits
17 imprisonment, the sentence imposed for that offense may be added to the portion of
18 the term which remained unserved at the time of the commission of the offense.
19 The sentence imposed upon any person convicted of an escape or attempted escape
20 offense shall run consecutively with any other sentence which the defendant must
21 serve.
- 22 (4) Notwithstanding any provision in this chapter to the contrary, if a person is
23 convicted of an offense that is committed while he is imprisoned in a penal or
24 reformatory institution, the sentence imposed for that offense may, upon order of
25 the trial court, be served in that institution. The person may be transferred to
26 another institution pursuant to administrative regulations of the Department of
27 Corrections.

- 1 ➔Section 51. The following KRS sections are repealed:
- 2 512.040 Criminal mischief in the third degree.
- 3 158.154 Principal's duty to report certain acts to local law enforcement agency.
- 4 ➔Section 52. Sections 12 and 13 of this Act take effect August 1, 2025.