

1 AN ACT relating to administrative subpoenas.

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

3 ➔Section 1. KRS 500.120 is amended to read as follows:

4 (1) (a) In any investigation relating to an offense involving KRS 510.155,
5 530.064(1)(a), 531.030, 531.040, 531.310, 531.320, 531.335, 531.340,
6 531.350, 531.360, or 531.370, and upon reasonable cause to believe that an
7 internet service **provider, social networking company, mobile payment**
8 **service, or cloud storage service**~~[account]~~ has been used in the exploitation or
9 attempted exploitation of children, or in any investigation of a violation of
10 KRS 17.546, 508.140, 508.150, 525.070, or 525.080 where there is reasonable
11 cause to believe that an internet service **provider, social networking company,**
12 **mobile payment service, or cloud storage service**~~[account]~~ has been used in
13 the commission of the offense, the Attorney General may issue in writing and
14 cause to be served a subpoena requiring the production and testimony
15 described in subsection (2) of this section.

16 (b) In any investigation relating to an offense involving KRS 510.155,
17 530.064(1)(a), 531.030, 531.040, 531.310, 531.320, 531.335, 531.340,
18 531.350, 531.360, or 531.370, and upon reasonable cause to believe that an
19 internet service **provider, social networking company, mobile payment**
20 **service, or cloud storage service**~~[account]~~ has been used in the exploitation or
21 attempted exploitation of children, the commissioner of the Department of
22 Kentucky State Police may issue in writing and cause to be served a subpoena
23 requiring the production and testimony described in subsection (2) of this
24 section.

25 (2) Except as provided in subsection (3) of this section, a subpoena issued under this
26 section may require the production of any records or other documentation relevant
27 to the investigation, including:

- 1 (a) Electronic mail address;
- 2 (b) Internet username;
- 3 (c) Internet protocol address;
- 4 (d) Name of account holder;
- 5 (e) Billing and service address;
- 6 (f) Telephone number;
- 7 (g) Account status;
- 8 (h) Method of access to the internet; and
- 9 (i) Automatic number identification records if access is by modem.
- 10 (3) The internet service provider, social networking company, mobile payment
11 service, cloud storage service, or provider of electronic communication service or
12 remote computing service shall not disclose the following pursuant to a subpoena
13 issued under this section but shall disclose the information in obedience to a
14 warrant:
- 15 (a) In-transit electronic communications;
- 16 (b) Account memberships related to internet groups, newsgroups, mailing lists or
17 specific areas of interest;
- 18 (c) Account passwords; and
- 19 (d) Account content including:
- 20 1. Electronic mail in any form;
- 21 2. Address books, contacts, or buddy lists;
- 22 3. Financial records;
- 23 4. Internet proxy content or web surfing history; and
- 24 5. Files or other digital documents stored with the account or pursuant to
25 use of the account.
- 26 (4) At any time before the return date specified on the subpoena, the person summoned
27 may, in the District Court in which the person resides or does business, petition for

1 an order modifying or setting aside the subpoena, or a prohibition of disclosure by a
2 court.

3 (5) A subpoena under this section shall describe the objects required to be produced
4 and shall prescribe a return date with a reasonable period of time within which the
5 objects can be assembled and made available.

6 (6) If no case or proceeding arises from the production of records or other
7 documentation pursuant to this section within a reasonable time after those records
8 or documentation is produced, the Attorney General shall either destroy the records
9 and documentation or return them to the person who produced them.

10 (7) A subpoena issued under this section may be served by any person who is at least
11 eighteen (18) years of age and who is designated in the subpoena to serve it. Service
12 upon a natural person may be made by personal delivery of the subpoena to him or
13 her. Service may be made upon a corporation or partnership or other
14 unincorporated association which is subject to suit under its common name, by
15 delivering the subpoena to an officer, to a managing or general agent, or to any
16 other agent authorized by appointment or by law to receive service of process. The
17 affidavit of the person serving the subpoena together with a true copy thereof shall
18 be proof of service.

19 (8) Except as provided in this section any information, records or data reported or
20 obtained pursuant to subpoena under this section shall remain confidential and shall
21 not be further disclosed unless in connection with a criminal case related to the
22 subpoenaed materials.