

1 AN ACT relating to qualifications of victim advocates.

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

3 ➔Section 1. KRS 15.760 is amended to read as follows:

4 (1) ~~Each Commonwealth's attorney shall, during the calendar year 1977 and through~~
5 ~~June 30, 1978, be entitled to at least the number of assistant Commonwealth's~~
6 ~~attorney positions, stenographic, secretarial, and clerical staff positions, and~~
7 ~~investigative and other personnel positions, which he had or was entitled to at the~~
8 ~~number and salary level in effect on December 1, 1976.~~

9 ~~(2)~~ The number of assistant Commonwealth's attorney positions, stenographic,
10 secretarial, and clerical staff positions, and investigative and other personnel
11 positions, shall be based on real need to be determined with the advice and consent
12 of the Prosecutors Advisory Council.

13 ~~(2)~~~~(3)~~ All assistant Commonwealth's attorneys shall be licensed practicing attorneys.
14 The full-time assistant Commonwealth's attorneys shall not be allowed to engage in
15 the private practice of law.

16 ~~(3)~~~~(4)~~ All salaries paid to personnel appointed under this section~~hereunder~~ shall be
17 paid from the State Treasury. The salaries shall be commensurate with the
18 appointee's education, experience, training, and responsibility, and be based upon
19 the guidelines established by the Prosecutors Advisory Council, which guidelines
20 shall be comparable with the classification and compensation plan for comparable
21 positions maintained by the state Personnel Cabinet, pursuant to KRS 64.640.

22 ~~(4)~~~~(5)~~ The fiscal court, consolidated local government, or urban-county government
23 in the county or counties that comprise the judicial circuit shall be responsible for
24 providing the office of the Commonwealth's attorney with an adequate grand jury
25 room and witness rooms.

26 ~~(5)~~~~(6)~~ (a) Each Commonwealth's attorney shall be authorized to employ
27 individually or jointly with one (1) or more other Commonwealth's attorneys

1 at least one (1) victim advocate to ~~counsel and~~ assist crime victims as
2 defined in KRS 421.500.

- 3 (b) 1. An individual employed as a victim advocate shall be a person who by a
4 combination of education, professional qualification, training, and
5 experience is qualified to perform the duties of this position. The victim
6 advocate shall be an individual at least eighteen (18) years of age, of
7 good moral character, ~~with at least two (2) years of experience working~~
8 ~~in the human services field or court system in a position requiring~~
9 ~~professional contact with children or adults,~~ who has:

10 a. ~~[1.]~~ Received a bachelor's ~~[baccalaureate]~~ degree ~~in social work,~~
11 ~~sociology, psychology, guidance and counseling, education,~~
12 ~~religion, criminal justice, or other human service field];~~ or

13 b. ~~[2.]~~ Received a high school diploma or equivalency certificate~~[,] and[,]~~
14 ~~[in addition to the experience required in this subsection,]~~ has at
15 least two (2) ~~[four (4)]~~ years' experience providing direct services,
16 support, counseling, or advocacy to individuals in the
17 community ~~[working in the human services field or court system].~~

18 2. The Office of Victims Advocacy in the Office of the Attorney General
19 shall provide training to individuals employed as victim advocates in
20 the following:

21 a. The role of the system-based advocate;

22 b. The unauthorized practice of law;

23 c. Relevant statutes encompassing victim-based crimes;

24 d. Constitutional and statutory rights of crime victims; and

25 e. Best practices.

26 3. An individual employed as a victim advocate shall enroll in the
27 training described in subparagraph 2. of this paragraph no later than

thirty (30) days from the date of the individual's hire.

(c) Each Commonwealth's attorney who employs an individual to serve as a victim advocate shall develop a written job description which describes the duties of the position and shall ensure the victim advocate completes training relating to the appropriate intervention with crime victims, including victims of domestic violence and victims of elder abuse, neglect, or exploitation or other crimes against the elderly. Each victim advocate shall perform those duties necessary to ~~ensure~~insure compliance with the crime victim's bill of rights contained in KRS 421.500 to 421.530.

(d) ~~A~~No victim advocate shall not engage in:

1. Political activities while in the course of performing his or her duties as victim advocate; or

2. The unlawful practice of law as defined in KRS 524.130.

(e) The creation and funding of any new personnel position shall be reviewed and approved by the Prosecutors Advisory Council.

➔Section 2. KRS 69.350 is amended to read as follows:

(1) Each county attorney may employ individually or jointly with one (1) or more other county attorneys at least one (1) victim advocate to ~~counsel and~~ assist crime victims as defined in KRS 421.500.

(2) (a) An individual employed as a victim advocate shall be a person who by a combination of education, professional qualification, training, and experience is qualified to perform the duties of this position. The victim advocate shall be an individual at least eighteen (18) years of age, of good moral character, ~~with at least two (2) years of experience working in the human services field or court system in a position requiring professional contact with children or adults,~~ who has:

1.~~(a)~~ Received a bachelor's~~baccalaureate~~ degree ~~in social work,~~

1 sociology, psychology, guidance and counseling, education, religion,
2 criminal justice, or other human service field]; or

3 ~~2.[(b)]~~ Received a high school diploma or equivalency certificate~~[,] and[,]~~
4 ~~in addition to the experience required in this subsection,]~~ has at least two
5 ~~(2)[four (4)]~~ years' experience providing direct services, support,
6 counseling, or advocacy to individuals in the community~~[working in~~
7 ~~the human services field or court system].~~

8 (b) The Office of Victims Advocacy in the Office of the Attorney General shall
9 provide training to individuals employed as victim advocates in the
10 following:

11 1. The role of the system-based advocate;

12 2. The unauthorized practice of law;

13 3. Relevant statutes encompassing victim-based crimes;

14 4. Constitutional and statutory rights of crime victims; and

15 5. Best practices.

16 (c) An individual employed as a victim advocate shall enroll in the training
17 described in paragraph (b) of this subsection no later than thirty (30) days
18 from the date of the individual's hire.

19 (3) Each county attorney who employs an individual to serve as a victim advocate shall
20 develop a written job description which describes the duties of the position and
21 shall ensure the victim advocate completes training relating to the appropriate
22 intervention with crime victims, including victims of domestic violence and elder
23 abuse, neglect, and exploitation and other crimes against the elderly. Each victim
24 advocate shall perform those duties necessary to ensure~~insure~~ compliance with
25 the crime victim's bill of rights contained in KRS 421.500 to 421.530.

26 (4) ~~A[No]~~ victim advocate shall not engage in:

27 (a) Political activities while in the course of performing duties as victim

1 advocate; or

2 (b) The unlawful practice of law as defined in KRS 524.130.

3 (5) The creation and funding of any new personnel position shall be reviewed and
4 approved by the Prosecutors Advisory Council.