

1 AN ACT relating to public safety.

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

3 ➔Section 1. KRS 508.025 is amended to read as follows:

- 4 (1) A person is guilty of assault in the third degree when the actor:
- 5 (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally
- 6 causes or attempts to cause physical injury to:
- 7 1. A state, county, city, or federal peace officer;
- 8 2. An employee of a detention facility, or state residential treatment facility
- 9 or state staff secure facility for residential treatment which provides for
- 10 the care, treatment, or detention of a juvenile charged with or
- 11 adjudicated delinquent because of a public offense or as a youthful
- 12 offender;
- 13 3. A healthcare provider as defined in KRS 311.821 or other person
- 14 employed by or under contract with a health clinic, doctor's office,
- 15 dental office, long-term care facility, hospital, or a hospital-owned or
- 16 affiliate outpatient facility, if the event occurs in or on the premises of a
- 17 **jail, penitentiary, local or state correctional or detention facility,** health
- 18 clinic, doctor's office, dental office, long-term care facility, hospital, or a
- 19 hospital-owned or affiliate outpatient facility;
- 20 4. An employee of the Department for Community Based Services
- 21 employed as a social worker to provide direct client services, if the
- 22 event occurs while the worker is performing job-related duties;
- 23 5. Paid or volunteer emergency medical services personnel certified or
- 24 licensed pursuant to KRS Chapter 311A, if the event occurs while
- 25 personnel are performing job-related duties;
- 26 6. A paid or volunteer member of an organized fire department, if the
- 27 event occurs while the member is performing job-related duties;

- 1 7. Paid or volunteer rescue squad personnel affiliated with the Division of
2 Emergency Management of the Department of Military Affairs or a
3 local disaster and emergency services organization pursuant to KRS
4 Chapter 39F, if the event occurs while personnel are performing job-
5 related duties;
- 6 8. A probation and parole officer;
- 7 9. A transportation officer appointed by a county fiscal court or legislative
8 body of a consolidated local government, urban-county government, or
9 charter government to transport inmates when the county jail or county
10 correctional facility is closed while the transportation officer is
11 performing job-related duties;
- 12 10. A public or private elementary or secondary school or school district
13 classified or certified employee, school bus driver, or other school
14 employee acting in the course and scope of the employee's employment;
15 or
- 16 11. A public or private elementary or secondary school or school district
17 volunteer acting in the course and scope of that person's volunteer
18 service for the school or school district;
- 19 (b) Being a person confined in a detention facility, or a juvenile in a state
20 residential treatment facility or state staff secure facility for residential
21 treatment which provides for the care, treatment, or detention of a juvenile
22 charged with or adjudicated delinquent because of a public offense or as a
23 youthful offender, inflicts physical injury upon or throws or causes feces, or
24 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 25 (c) Intentionally causes a person, whom the actor knows or reasonably should
26 know to be a peace officer discharging official duties, to come into contact
27 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the

1 consent of the peace officer.

2 (2) (a) For a violation of subsection (1)(a) of this section, assault in the third degree
3 is a Class D felony, unless the offense occurs during a declared emergency as
4 defined by KRS 39A.020 arising from a natural or man-made disaster, within
5 the area covered by the emergency declaration, and within the area impacted
6 by the disaster, in which case it is a Class C felony.

7 (b) For a violation of subsection (1)(b) of this section, assault in the third degree
8 is a Class D felony.

9 (c) For violations of subsection (1)(c) of this section, assault in the third degree is
10 a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood,
11 seminal fluid, urine, or feces from an adult who knows that he or she has a
12 serious communicable disease and competent medical or epidemiological
13 evidence demonstrates that the specific type of contact caused by the actor is
14 likely to cause transmission of the disease or condition, in which case it is a
15 Class A misdemeanor.

16 (d) As used in paragraph (c) of this subsection, "serious communicable disease"
17 means a non-airborne disease that is transmitted from person to person and
18 determined to have significant, long-term consequences on the physical health
19 or life activities of the person infected.

20 ➔Section 2. KRS 65.1591 is amended to read as follows:

21 (1) As used in this section:

22 (a) "Peer support communication" means any oral or written communication
23 made in the course of, or application for, a peer support counseling session or
24 any communication by a peer support participant regarding the contents of a
25 peer support counseling session to another peer support specialist, staff
26 member of a peer support counseling program, or the supervisor of a peer
27 support specialist;

- 1 (b) "Peer support counseling program" means a program provided by a public
2 agency to provide counseling services from a peer support specialist to a
3 public safety employee;
- 4 (c) "Peer support counseling session" means any counseling formally provided
5 through a peer support counseling program between a peer support specialist
6 and one (1) or more public safety employees;
- 7 (d) "Peer support participant" means a public safety employee who receives
8 counseling services from a peer support specialist;
- 9 (e) "Peer support specialist" means a public safety employee designated by the
10 public agency to provide peer support counseling who has received training in
11 both peer support counseling and in providing emotional and moral support to
12 public safety employees who have been in or exposed to an emotionally
13 traumatic experience in the course of employment;
- 14 (f) "Public agency" has the same meaning as the entities listed in KRS
15 61.870~~[65.870(1)]~~; and
- 16 (g) "Public safety employee" means an individual employed by a public agency
17 who:
- 18 1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;
 - 19 2. **Serves as a jailer, deputy jailer, or a correctional officer employed by a**
20 **local detention center, local correctional facility, or regional jail;**
 - 21 **3.** Serves in a position that is primarily engaged in firefighting activities,
22 whether paid or unpaid;
 - 23 **4.**~~[3.]~~ Serves as a certified telecommunicator as provided by KRS 15.560 to
24 15.565; or
 - 25 **5.**~~[4.]~~ Is licensed to provide emergency medical services as provided by KRS
26 Chapter 311A.
- 27 (2) Any public agency may create and design a peer support counseling program to

1 provide support to public safety employees who have been in or exposed to an
2 emotionally traumatic experience in the course of employment.

3 (3) The content of any peer support communication shall remain confidential and shall
4 not be disclosed to any individual who was not party to the peer support counseling
5 session or peer support communication, except when the peer support
6 communication contains:

7 (a) An explicit threat of suicide by a participant in which the participant shares an
8 intent to die by suicide, a plan to carry out a suicide attempt, or discloses the
9 means by which the participant intends to carry out a suicide attempt. This
10 paragraph shall not apply to any peer support communication where the
11 participant solely shares that the participant is experiencing suicidal thoughts;

12 (b) An explicit threat by a participant of imminent and serious physical and
13 bodily harm or death to a clearly identified or reasonably identifiable victim;

14 (c) Information related to the abuse or neglect of a child or an older adult or
15 vulnerable individual that is required by law to be reported;

16 (d) An admission of criminal conduct; or

17 (e) Information which is required by law to be disclosed.

18 (4) A peer support participant shall hold a privilege from disclosure of any peer support
19 communication in any disciplinary proceeding or any civil or criminal proceeding
20 unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of
21 this section. Under this privilege, the peer support communication shall be subject
22 to the same protections as any counselor-client privilege provided under the
23 Kentucky Rules of Evidence in any criminal or civil proceeding.

24 (5) ~~[Nothing in subsection (3) or (4) of]~~This section shall **not**~~[be interpreted or~~
25 ~~construed to]~~ prohibit:

26 (a) The use of or sharing by the public agency of anonymous data for research,
27 statistical analysis, or educational purposes;

- 1 (b) The disclosure of an observation by an employee of the public agency of a
2 peer support participant outside of a peer support counseling session and not
3 contained in peer support communication; or
- 4 (c) The disclosure of knowledge of a law enforcement officer of the public
5 agency about a peer support participant not gained from peer support
6 communication.