

1 AN ACT relating to hate crimes.

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

3 ➔Section 1. KRS 532.031 is amended to read as follows:

4 (1) A person may be found by the sentencing judge to have committed an offense
5 specified below as a result of a hate crime if the person intentionally because of
6 race, color, religion, **political creed**, sexual orientation, or national origin of another
7 individual or group of individuals or because of a person's actual or perceived
8 employment as a state, city, county, or federal peace officer, member of an
9 organized fire department, or emergency medical services personnel, violates a
10 provision of any one (1) of the following:

11 (a) KRS 508.010, 508.020, 508.025, or 508.030;

12 (b) KRS 508.050 or 508.060;

13 (c) KRS 508.100 or 508.110;

14 (d) KRS 509.020;

15 (e) KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.100, or
16 510.110;

17 (f) KRS 512.020, 512.050, or 512.060;

18 (g) KRS 513.020, 513.030, or 513.040; or

19 (h) KRS 525.020, 525.050, 525.060, 525.070, or 525.080.

20 (2) At sentencing, the sentencing judge shall determine if, by a preponderance of the
21 evidence presented at the trial, a hate crime was a primary factor in the commission
22 of the crime by the defendant. If so, the judge shall make a written finding of fact
23 and enter that in the court record and in the judgment rendered against the
24 defendant.

25 (3) The finding that a hate crime was a primary factor in the commission of the crime
26 by the defendant may be utilized by the sentencing judge as the sole factor for
27 denial of probation, shock probation, conditional discharge, or other form of

1 nonimposition of a sentence of incarceration.

2 (4) The finding by the sentencing judge that a hate crime was a primary factor in the
3 commission of the crime by the defendant may be utilized by the Parole Board in
4 delaying or denying parole to a defendant.

5 (5) As used in this section:

6 (a) "Emergency medical services personnel" has the same meaning as in KRS
7 311A.010; and

8 (b) "Member of an organized fire department, or emergency medical services
9 personnel" includes volunteers, if the violation occurs while the volunteer is
10 performing duties with an organized fire department or as emergency medical
11 services personnel.

12 ➔Section 2. KRS 15.334 is amended to read as follows:

13 (1) The Kentucky Law Enforcement Council shall approve mandatory training subjects
14 to be taught to all students attending a law enforcement basic training course that
15 include but are not limited to:

16 (a) Abuse, neglect, and exploitation of the elderly and other crimes against the
17 elderly, including the use of multidisciplinary teams in the investigation and
18 prosecution of crimes against the elderly;

19 (b) The dynamics of domestic violence, pediatric abusive head trauma, as defined
20 in KRS 620.020, child physical and sexual abuse, and rape; child
21 development; the effects of abuse and crime on adult and child victims,
22 including the impact of abuse and violence on child development; legal
23 remedies for protection; lethality and risk issues; profiles of offenders and
24 offender treatment; model protocols for addressing domestic violence, rape,
25 pediatric abusive head trauma, as defined in KRS 620.020, and child abuse;
26 available community resources and victim services; and reporting
27 requirements. This training shall be developed in consultation with legal,

- 1 victim services, victim advocacy, and mental health professionals with
2 expertise in domestic violence, child abuse, and rape. Training in recognizing
3 pediatric abusive head trauma may be designed in collaboration with
4 organizations and agencies that specialize in the prevention and recognition of
5 pediatric abusive head trauma approved by the secretary of the Cabinet for
6 Health and Family Services;
- 7 (c) Human immunodeficiency virus infection and acquired immunodeficiency
8 virus syndrome;
- 9 (d) Identification and investigation of, responding to, and reporting ~~hate~~^{bias-}
10 ~~related~~ crime, victimization, or intimidation that is a result of or reasonably
11 related to race, color, religion, political creed, sex, or national origin;
- 12 (e) The characteristics and dynamics of human trafficking, state and federal laws
13 relating to human trafficking, the investigation of cases involving human
14 trafficking, including but not limited to screening for human trafficking, and
15 resources for assistance to the victims of human trafficking;
- 16 (f) ~~[Beginning January 1, 2017, the council shall require that a law enforcement~~
17 ~~basic training course include]~~ At least eight (8) hours of training relevant to
18 sexual assault; and
- 19 (g) Education on female genital mutilation as defined in KRS 508.125, including
20 the risk factors associated with female genital mutilation, the criminal
21 penalties for committing female genital mutilation, and the psychological and
22 health effects on a victim of female genital mutilation.
- 23 (2) (a) The council shall develop and approve mandatory in-service training courses
24 to be presented to all certified peace officers. The council may promulgate
25 administrative regulations in accordance with KRS Chapter 13A setting forth
26 the deadlines by which all certified peace officers shall attend the mandatory
27 in-service training courses.

- 1 (b) ~~[Beginning January 1, 2017,]~~ The council shall establish a forty (40) hour
2 sexual assault investigation training course and~~[. After January 1, 2019,]~~
3 agencies shall maintain officers on staff who have completed the forty (40)
4 hour sexual assault investigation training course in accordance with the
5 following:
- 6 1. Agencies with more than ten (10) but fewer than twenty-one (21) full-
7 time officers shall maintain one (1) officer who has completed the forty
8 (40) hour sexual assault investigation training course;
 - 9 2. Agencies with twenty-one (21) or more but fewer than fifty-one (51)
10 full-time officers shall maintain at least two (2) officers who have
11 completed the forty (40) hour sexual assault investigation training
12 course; and
 - 13 3. Agencies with fifty-one (51) or more full-time officers shall maintain at
14 least four (4) officers who have completed the sexual assault
15 investigation course.
- 16 (c) An agency shall not make an officer directly responsible for the investigation
17 or processing of sexual assault offenses unless that officer has completed the
18 forty (40) hour sexual assault investigation training course.
- 19 (d) The council may, upon application by any agency, grant an exemption from
20 the training requirements set forth in paragraph (b) of this subsection if that
21 agency, by limitations arising from its scope of authority, does not conduct
22 sexual assault investigations.
- 23 (e) Any agency failing to comply with paragraph (b) or (c) of this subsection
24 shall, from the date the noncompliance commences, have one (1) year to
25 reestablish the minimum number of trained officers required.
- 26 (3) The Justice and Public Safety Cabinet shall provide training on the subjects of
27 domestic violence and abuse and may do so utilizing currently available

1 technology. All certified peace officers shall be required to complete this training at
2 least once every two (2) years.

3 (4) The council shall promulgate administrative regulations in accordance with KRS
4 Chapter 13A to establish mandatory basic training and in-service training courses.

5 ➔Section 3. KRS 17.1523 is amended to read as follows:

6 (1) The uniform offense report shall contain provisions for obtaining information as to
7 whether~~[-or not]~~ specific crimes appear from their facts and circumstances to be
8 caused as a result of or reasonably related to race, color, religion, **political creed**,
9 sex, or national origin.

10 (2) All law enforcement officers, when completing a uniform offense report, shall note
11 **on the report**~~thereon~~ whether~~[-or not]~~ the offense appears to be caused as a result
12 of or reasonably related to race, color, religion, **political creed**, sex, or national
13 origin or attempts to victimize or intimidate another due to any of the foregoing
14 causes.

15 (3) The Justice and Public Safety Cabinet shall~~[-]~~ annually, as a part of the crime
16 reports, report on crimes which appear to have been caused by the factors cited in
17 subsections (1) and (2) of this section.