

1 AN ACT relating to the establishment of the Office of Public Defense.

2 WHEREAS, the General Assembly finds and declares that the Second Amendment
3 to the United States Constitution declares that "A well regulated Militia, being necessary
4 to the security of a free State, the right of the people to keep and bear Arms, shall not be
5 infringed"; and

6 WHEREAS, in *District of Columbia v. Heller*, 554 U.S. 570 (2008), the United
7 States Supreme Court explained that the Second Amendment's prefatory Militia Clause
8 announces the Amendment's purpose and serves a clarifying function as to the
9 Amendment's protections. To that end, the Second Amendment guarantees the people's
10 unrestricted access to arms to repel invasions and suppress insurrections, render large
11 standing armies unnecessary, and resist tyranny; and

12 WHEREAS, the Supreme Court explained that "the people" protected by the
13 Second Amendment "unambiguously refers to all members of the political community,
14 not an unspecified subset," and presumptively extends to "all Americans"; and

15 WHEREAS, the Supreme Court further explained that the original meaning of the
16 term "Arms" used in the Second Amendment includes "weapons of offence, or armour of
17 defence"; "any thing that a man wears for his defence, or takes into his hands, or useth in
18 wrath to cast at or strike another"; and at a minimum, "all firearms"; and thus, the
19 Supreme Court explained, "the Second Amendment extends, prima facie, to all
20 instruments that constitute bearable arms, even those that were not in existence at the
21 time of the founding"; and

22 WHEREAS, the Framers understood the Second Amendment to guarantee
23 armament parity between the American citizen and government infantryman. In 1788,
24 Tench Coxe explained that "Congress have no power to disarm the militia. Their swords,
25 and every terrible implement of the soldier, are the birth-right of an American." Likewise,
26 Henry Campbell Black later explained that "the 'arms' here meant are those of a soldier.
27 ...The citizen has at all times the right to keep arms of modern warfare."; and

1 WHEREAS, in addition to the Second Amendment to the United States
2 Constitution, Section 1 of the Constitution of Kentucky declares that "All men are, by
3 nature, free and equal, and have certain inherent and inalienable rights, among which may
4 be reckoned...The right to bear arms in defense of themselves and of the State"; and

5 WHEREAS, together, the Second Amendment to the United States Constitution and
6 Section 1 of the Constitution of Kentucky guarantee the right of the people to keep and
7 bear the "arms of modern warfare" for the defense of themselves and the State. These
8 "arms" include but are not limited to the sorts of portable, bearable machine guns that
9 currently are in common use by law enforcement in this Commonwealth and military
10 units nationwide; and

11 WHEREAS, the National Firearms Act of 1934 and the Gun Control Act of 1968,
12 as amended, permit state governments to transfer machine guns to law-abiding citizens.
13 Specifically, 18 U.S.C. sec. 922(o)(2)(A) permits "a transfer to or by, or possession by or
14 under the authority of, the United States or any department or agency thereof or a State,
15 or a department, agency, or political subdivision thereof"; and

16 WHEREAS, Likewise, 18 U.S.C. sec. 925(a)(1) provides that the Gun Control Act
17 "shall not apply with respect to the transportation, shipment, receipt, possession, or
18 importation of any firearm or ammunition imported for, sold or shipped to, or issued for
19 the use of, the United States or any department or agency thereof or any State or any
20 department, agency, or political subdivision thereof"; and

21 WHEREAS, it is in the public interest of the Commonwealth of Kentucky and its
22 people that American citizens be armed and better able to assist in the defense of the
23 Commonwealth, and to resist tyranny, using bearable firearms commonly used in modern
24 warfare; and

25 WHEREAS, a well-armed American populace already has proven useful in
26 defending the homeland against foreign threats, such as when patrolling coastal areas
27 during World War II; and

1 WHEREAS, it is therefore in the public interest that the Commonwealth provide a
2 means whereby machine guns may be obtained by citizens; and

3 WHEREAS, it is the intent of the General Assembly to create an Office of Public
4 Defense, which shall acquire and transfer machine guns to qualified persons;

5 NOW, THEREFORE,

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

7 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
8 READ AS FOLLOWS:

9 ***As used in Sections 1 to 10 of this Act:***

10 ***(1) "Director" means the director of the Office of Public Defense;***

11 ***(2) "Machine gun" means any weapon which shoots, is designed to shoot, or can be***
12 ***readily restored to shoot, automatically more than one (1) shot, without manual***
13 ***reloading, by a single function of the trigger;***

14 ***(3) "Office" means the Office of Public Defense;***

15 ***(4) "Person" means an individual, corporation, company, association, firm, trust,***
16 ***partnership, society, or joint stock company; and***

17 ***(5) "Qualified person" means a person who is eligible to purchase and possess***
18 ***firearms under Kentucky and federal law.***

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
20 READ AS FOLLOWS:

21 ***(1) The Office of Public Defense is hereby established within the Department of***
22 ***Kentucky State Police.***

23 ***(2) The office shall be headed by a director who shall be, ex officio, the***
24 ***commissioner of the Department of Kentucky State Police.***

25 ***(3) The office shall:***

26 ***(a) Acquire and transfer to qualified persons machine guns for the defense of***
27 ***the Commonwealth and its people;***

- 1 **(b) Prioritize to the extent practicable purchases of machine guns from**
2 **manufacturers and dealers located in the Commonwealth of Kentucky;**
- 3 **(c) Establish, maintain, and operate warehouses and distribution stations,**
4 **using existing Department of Kentucky State Police personnel,**
5 **infrastructure, and posts to the extent possible;**
- 6 **(d) Verify the eligibility of qualified persons to purchase machine guns through**
7 **the use of a background check conducted in the same manner as provided**
8 **in KRS 237.110(3);**
- 9 **(e) Report to the Governor annually, and at other times as the Governor may**
10 **require, concerning the condition, management, and financial transactions**
11 **of the office; and**
- 12 **(f) Do all things necessary and incidental to its powers and duties under**
13 **Sections 1 to 10 of this Act.**
- 14 **(4) Machine guns acquired and transferred by the office under Sections 1 to 10 of**
15 **this Act shall be the same as, or of like kind to, those machine guns currently in**
16 **use by law enforcement or the United States Armed Forces, and shall include but**
17 **not be limited to AR-15/M16-platform, M249-type, and MP5-type machine guns.**
- 18 **(5) The director may in his or her discretion acquire additional types of machine**
19 **guns beyond those identified in this section that are in common use by law**
20 **enforcement or the United States Armed Forces and that the director finds are**
21 **useful to protecting the security of a free state.**
- 22 **(6) Machine guns shall be made available for sale and transfer at each Department**
23 **of Kentucky State Police post.**

24 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
25 READ AS FOLLOWS:

- 26 **(1) (a) Upon transfer of a machine gun to a qualified person under Sections 1 to**
27 **10 of this Act, the director or his or her designee shall prepare two (2)**

1 original copies of a signed and dated certificate bearing the seal of the
2 Commonwealth and identifying the qualified person to whom the machine
3 gun was transferred. The certificate shall identify the machine gun's make,
4 model, and serial number.

5 (b) The office shall issue one (1) copy of the certificate to the qualified person
6 and retain one (1) copy in perpetuity.

7 (c) A certificate issued under this subsection shall constitute proof of
8 compliance with Sections 1 to 10 of this Act.

9 (2) Information contained within an application, registration, or records submitted
10 or created in compliance with Sections 1 to 10 of this Act shall not be used for
11 any purpose other than to determine eligibility for, or to record, a transfer under
12 Sections 1 to 10 of this Act. The information shall be confidential and exempt
13 from disclosure under the Kentucky Open Records Act, KRS 61.870 to 61.884.

14 (3) Records associated with the transfer of a machine gun that contain personally
15 identifiable information, except for the original certificate of transfer retained by
16 the office under subsection (1)(b) of this section, shall be destroyed by the office
17 five (5) years after the transfer was made.

18 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
19 READ AS FOLLOWS:

20 (1) If a qualified person to whom a machine gun has been transferred under
21 Sections 1 to 10 of this Act becomes prohibited from possessing a firearm under
22 Kentucky or federal law, the person shall return the machine gun to the office
23 within seven (7) days of learning of his or her prohibited status.

24 (2) If a responsible person of a corporation, company, association, firm, trust,
25 partnership, society, or joint stock company becomes prohibited from possessing
26 a firearm under Kentucky or federal law, but not the entity itself, the entity may
27 continue to own and possess the transferred machine gun if:

- 1 (a) The prohibited person is no longer a responsible person of the entity; and
2 (b) The entity has at least one (1) responsible person who remains eligible to
3 possess firearms under Kentucky and federal law.
- 4 (3) A machine gun returned under this section shall be made available for sale to
5 other qualified persons and shall be discounted in price by a nonzero amount
6 determined by the director.
- 7 (4) The office shall not destroy a machine gun acquired by it pursuant to Sections 1
8 to 10 of this Act unless a machine gun returned under this section is
9 unserviceable.

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
11 READ AS FOLLOWS:

- 12 (1) A qualified person may transfer a machine gun acquired under Sections 1 to 10
13 of this Act to another qualified person by presenting the machine gun to the
14 office. Upon payment of a transfer fee of two hundred seventy-five dollars (\$275)
15 by the other qualified person, the office shall transfer the machine gun to the
16 other qualified person and issue a certificate to that person in accordance with
17 Section 3 of this Act.
- 18 (2) The transfer of a machine gun by descent or devise shall be made in the same
19 manner as in subsection (1) of this section, except a transfer fee shall not be
20 required.

21 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
22 READ AS FOLLOWS:

- 23 (1) There is hereby established in the State Treasury a trust and agency account to be
24 known as the public defense fund. The fund shall consist of moneys received
25 from revenue generated under Sections 1 to 10 of this Act, state appropriations,
26 gifts, grants, and federal funds.
- 27 (2) The fund shall be administered by the director.

1 (3) Amounts deposited in the fund shall be used for offsetting operational costs
2 incurred administering Sections 1 to 10 of this Act and for no other purpose.

3 (4) Fund amounts not expended at the close of a fiscal year shall lapse to the general
4 fund.

5 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
6 READ AS FOLLOWS:

7 The director shall:

8 (1) Exercise general supervision of the conduct and business of the office;

9 (2) Promulgate administrative regulations in accordance with KRS Chapter 13A
10 necessary to direct and control the exercise of the powers and duties of the office;
11 and

12 (3) Expend funds from the public defense fund to offset operational costs incurred
13 administering Sections 1 to 10 of this Act.

14 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
15 READ AS FOLLOWS:

16 The General Assembly hereby declares for purposes of 18 U.S.C. sec. 922(o)(2)(A)
17 that:

18 (1) All transfers of machine guns to qualified persons under Sections 1 to 10 of this
19 Act shall be deemed to have been made by and under the authority of the
20 Commonwealth of Kentucky; and

21 (2) A transferee of a machine gun under Sections 1 to 10 of this Act shall be deemed
22 to possess a machine gun that was transferred by and under the authority of the
23 Commonwealth of Kentucky.

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

26 (1) The Commonwealth, the office, the director, and officers or employees of the
27 office shall not be liable for damages sustained by any person because of an act

1 or omission done in the performance of their respective duties under Sections 1 to
 2 10 of this Act.

3 (2) The Commonwealth, the office, the director, and officers or employees of the
 4 office shall not have criminal or civil liability for a criminal, unlawful, negligent,
 5 or accidental act or omission committed by a transferee or any other person
 6 related to a machine gun acquired and transferred under Sections 1 to 10 of this
 7 Act.

8 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
 9 READ AS FOLLOWS:

10 (1) The director shall add a surcharge of two hundred fifty dollars (\$250) to the total
 11 price of a machine gun sold and transferred under Sections 1 to 10 of this Act
 12 which shall be paid into the public defense fund.

13 (2) The director may add to the price of a machine gun offered for sale to qualified
 14 persons an additional surcharge to be paid into the public defense fund in an
 15 amount the director determines is necessary to equal and offset the cost of
 16 administration of the program created by Sections 1 to 10 of this Act but not to
 17 exceed fifty dollars (\$50).

18 ➔Section 11. KRS 12.020 is amended to read as follows:

19 Departments, program cabinets and their departments, and the respective major
 20 administrative bodies that they include are enumerated in this section. It is not intended
 21 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
 22 bureau, interstate compact, commission, committee, conference, council, office, or any
 23 other form of organization shall be included in or attached to the department or program
 24 cabinet in which they are included or to which they are attached by statute or statutorily
 25 authorized executive order; except in the case of the Personnel Board and where the
 26 attached department or administrative body is headed by a constitutionally elected
 27 officer, the attachment shall be solely for the purpose of dissemination of information and

1 coordination of activities and shall not include any authority over the functions,
2 personnel, funds, equipment, facilities, or records of the department or administrative
3 body.

4 I. Cabinet for General Government - Departments headed by elected officers:

5 (1) The Governor.

6 (2) Lieutenant Governor.

7 (3) Department of State.

8 (a) Secretary of State.

9 (b) Board of Elections.

10 (c) Registry of Election Finance.

11 (4) Department of Law.

12 (a) Attorney General.

13 (5) Department of the Treasury.

14 (a) Treasurer.

15 (6) Department of Agriculture.

16 (a) Commissioner of Agriculture.

17 (b) Agricultural Development Board.

18 (c) Kentucky Agricultural Finance Corporation.

19 (7) Auditor of Public Accounts.

20 (a) Commonwealth Office of the Ombudsman.

21 II. Program cabinets headed by appointed officers:

22 (1) Justice and Public Safety Cabinet:

23 (a) Department of Kentucky State Police.

24 1. Office of Administrative Services.

25 a. Division of Operational Support.

26 b. Division of Management Services.

27 2. Office of Operations.

- 1 a. Division of West Troops.
- 2 b. Division of East Troops.
- 3 c. Division of Special Enforcement.
- 4 d. Division of Commercial Vehicle Enforcement.
- 5 3. Office of Technical Services.
- 6 a. Division of Forensic Sciences.
- 7 b. Division of Electronic Services.
- 8 c. Division of Records Management.

4. Office of Public Defense.

- 10 (b) Department of Criminal Justice Training.
- 11 (c) Department of Corrections.
- 12 (d) Department of Juvenile Justice.
- 13 (e) Office of the Secretary.
- 14 (f) Office of Drug Control Policy.
- 15 (g) Office of Legal Services.
- 16 (h) Office of the Kentucky State Medical Examiner.
- 17 (i) Parole Board.
- 18 (j) Kentucky State Corrections Commission.
- 19 (k) Office of Legislative and Intergovernmental Services.
- 20 (l) Office of Human Resource Management.
- 21 1. Division of Human Resource Administration.
- 22 2. Division of Employee Management.
- 23 (m) Department of Public Advocacy.
- 24 (n) Office of Communications.
- 25 1. Information Technology Services Division.
- 26 (o) Office of Financial Management Services.
- 27 1. Division of Financial Management.

- 1 (p) Grants Management Division.
- 2 (2) Energy and Environment Cabinet:
- 3 (a) Office of the Secretary.
- 4 1. Office of Legislative and Intergovernmental Affairs.
- 5 2. Office of Legal Services.
- 6 a. Legal Division I.
- 7 b. Legal Division II.
- 8 3. Office of Administrative Hearings.
- 9 4. Office of Communication.
- 10 5. Mine Safety Review Commission.
- 11 6. Office of Kentucky Nature Preserves.
- 12 7. Kentucky Public Service Commission.
- 13 (b) Department for Environmental Protection.
- 14 1. Office of the Commissioner.
- 15 2. Division for Air Quality.
- 16 3. Division of Water.
- 17 4. Division of Environmental Program Support.
- 18 5. Division of Waste Management.
- 19 6. Division of Enforcement.
- 20 7. Division of Compliance Assistance.
- 21 (c) Department for Natural Resources.
- 22 1. Office of the Commissioner.
- 23 2. Division of Mine Permits.
- 24 3. Division of Mine Reclamation and Enforcement.
- 25 4. Division of Abandoned Mine Lands.
- 26 5. Division of Oil and Gas.
- 27 6. Division of Mine Safety.

- 1 7. Division of Forestry.
- 2 8. Division of Conservation.
- 3 9. Office of the Reclamation Guaranty Fund.
- 4 (d) Office of Energy Policy.
 - 5 1. Division of Energy Assistance.
- 6 (e) Office of Administrative Services.
 - 7 1. Division of Human Resources Management.
 - 8 2. Division of Financial Management.
 - 9 3. Division of Information Services.
- 10 (3) Public Protection Cabinet.
 - 11 (a) Office of the Secretary.
 - 12 1. Office of Communications and Public Outreach.
 - 13 2. Office of Legal Services.
 - 14 a. Insurance Legal Division.
 - 15 b. Alcoholic Beverage Control Legal Division.
 - 16 c. Housing, Buildings and Construction Legal Division.
 - 17 d. Financial Institutions Legal Division.
 - 18 e. Professional Licensing Legal Division.
 - 19 3. Office of Administrative Hearings.
 - 20 4. Office of Administrative Services.
 - 21 a. Division of Human Resources.
 - 22 b. Division of Fiscal Responsibility.
 - 23 (b) Office of Claims and Appeals.
 - 24 1. Board of Tax Appeals.
 - 25 2. Board of Claims.
 - 26 3. Crime Victims Compensation Board.
 - 27 (c) Kentucky Boxing and Wrestling Commission.

- 1 (d) Department of Alcoholic Beverage Control.
 - 2 1. Division of Distilled Spirits.
 - 3 2. Division of Malt Beverages.
 - 4 3. Division of Enforcement.
 - 5 4. Division of Tobacco, Nicotine, and Vapor Product Licensing.
- 6 (e) Department of Financial Institutions.
 - 7 1. Division of Depository Institutions.
 - 8 2. Division of Non-Depository Institutions.
 - 9 3. Division of Securities.
- 10 (f) Department of Housing, Buildings and Construction.
 - 11 1. Division of Fire Prevention.
 - 12 2. Division of Plumbing.
 - 13 3. Division of Heating, Ventilation, and Air Conditioning.
 - 14 4. Division of Building Code Enforcement.
- 15 (g) Department of Insurance.
 - 16 1. Division of Health and Life Insurance and Managed Care.
 - 17 2. Division of Property and Casualty Insurance.
 - 18 3. Division of Administrative Services.
 - 19 4. Division of Financial Standards and Examination.
 - 20 5. Division of Licensing.
 - 21 6. Division of Insurance Fraud Investigation.
 - 22 7. Division of Consumer Protection.
- 23 (h) Department of Professional Licensing.
 - 24 1. Real Estate Authority.
 - 25 2. Division of Real Property Boards.
- 26 (4) Transportation Cabinet:
 - 27 (a) Department of Highways.

- 1 1. Office of Project Development.
- 2 2. Office of Project Delivery and Preservation.
- 3 3. Office of Highway Safety.
- 4 4. Highway District Offices One through Twelve.
- 5 (b) Department of Vehicle Regulation.
- 6 (c) Department of Aviation.
- 7 (d) Department of Rural and Municipal Aid.
 - 8 1. Office of Local Programs.
 - 9 2. Office of Rural and Secondary Roads.
- 10 (e) Office of the Secretary.
 - 11 1. Office of Public Affairs.
 - 12 2. Office for Civil Rights and Small Business Development.
 - 13 3. Office of Budget and Fiscal Management.
 - 14 4. Office of Inspector General.
 - 15 5. Secretary's Office of Safety.
- 16 (f) Office of Support Services.
- 17 (g) Office of Transportation Delivery.
- 18 (h) Office of Audits.
- 19 (i) Office of Human Resource Management.
- 20 (j) Office of Information Technology.
- 21 (k) Office of Legal Services.
- 22 (5) Cabinet for Economic Development:
 - 23 (a) Office of the Secretary.
 - 24 1. Office of Legal Services.
 - 25 2. Department for Business and Community Development.
 - 26 a. Development and Retention Division – West Kentucky.
 - 27 b. Development, Retention, and Administrative Division –

- 1 Central and East Kentucky.
- 2 c. Community and Workforce Development Division.
- 3 3. Department for Financial Services.
- 4 a. Kentucky Economic Development Finance Authority.
- 5 b. Finance and Personnel Division.
- 6 c. IT and Resource Management Division.
- 7 d. Compliance Division.
- 8 e. Program Administration Division.
- 9 f. Bluegrass State Skills Corporation.
- 10 g. The GRANT Commission.
- 11 4. Office of Strategy and Public Affairs.
- 12 a. Marketing and Communications Division.
- 13 b. Research and Strategy Division.
- 14 5. Office of Entrepreneurship and Innovation.
- 15 a. Commission on Small Business Innovation and Advocacy.
- 16 6. Kentucky Film Office.
- 17 a. Kentucky Film Leadership Council.
- 18 (6) Cabinet for Health and Family Services:
- 19 (a) Office of the Secretary.
- 20 1. Office of Public Affairs.
- 21 2. Office of Legal Services.
- 22 3. Office of Inspector General.
- 23 4. Office of Human Resource Management.
- 24 5. Office of Finance and Budget.
- 25 6. Office of Legislative and Regulatory Affairs.
- 26 7. Office of Administrative Services.
- 27 8. Office of Application Technology Services.

- 1 9. Office of Data Analytics.
- 2 10. Office of Medical Cannabis.
- 3 a. Division of Enforcement and Compliance.
- 4 b. Division of Licensure and Access.
- 5 (b) Department for Public Health.
- 6 (c) Department for Medicaid Services.
- 7 (d) Department for Behavioral Health, Developmental and Intellectual
- 8 Disabilities.
- 9 (e) Department for Aging and Independent Living.
- 10 (f) Department for Community Based Services.
- 11 (g) Department for Family Resource Centers and Volunteer Services.
- 12 (7) Finance and Administration Cabinet:
- 13 (a) Office of the Secretary.
- 14 (b) Office of the Inspector General.
- 15 (c) Office of Legislative and Intergovernmental Affairs.
- 16 (d) Office of General Counsel.
- 17 (e) Office of the Controller.
- 18 (f) Office of Administrative Services.
- 19 (g) Office of Policy and Audit.
- 20 (h) Department for Facilities and Support Services.
- 21 (i) Department of Revenue.
- 22 (j) Commonwealth Office of Technology.
- 23 (k) State Property and Buildings Commission.
- 24 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 25 (m) Kentucky Employees Retirement Systems.
- 26 (n) Commonwealth Credit Union.
- 27 (o) State Investment Commission.

- 1 (p) Kentucky Housing Corporation.
- 2 (q) Kentucky Local Correctional Facilities Construction Authority.
- 3 (r) Kentucky Turnpike Authority.
- 4 (s) Historic Properties Advisory Commission.
- 5 (t) Kentucky Higher Education Assistance Authority.
- 6 (u) Kentucky River Authority.
- 7 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 8 (w) Executive Branch Ethics Commission.
- 9 (x) Office of Fleet Management.
- 10 (8) Tourism, Arts and Heritage Cabinet:
- 11 (a) Kentucky Department of Tourism.
- 12 1. Division of Tourism Services.
- 13 2. Division of Marketing and Administration.
- 14 3. Division of Communications and Promotions.
- 15 (b) Kentucky Department of Parks.
- 16 1. Division of Information Technology.
- 17 2. Division of Human Resources.
- 18 3. Division of Financial Operations.
- 19 4. Division of Purchasing.
- 20 5. Division of Facilities.
- 21 6. Division of Park Operations.
- 22 7. Division of Sales, Marketing, and Customer Service.
- 23 8. Division of Engagement.
- 24 9. Division of Food Services.
- 25 10. Division of Rangers.
- 26 (c) Department of Fish and Wildlife Resources.
- 27 1. Division of Law Enforcement.

- 1 2. Division of Administrative Services.
- 2 3. Division of Engineering, Infrastructure, and Technology.
- 3 4. Division of Fisheries.
- 4 5. Division of Information and Education.
- 5 6. Division of Wildlife.
- 6 7. Division of Marketing.
- 7 (d) Kentucky Horse Park.
- 8 1. Division of Support Services.
- 9 2. Division of Buildings and Grounds.
- 10 3. Division of Operational Services.
- 11 (e) Kentucky State Fair Board.
- 12 1. Office of Administrative and Information Technology Services.
- 13 2. Office of Human Resources and Access Control.
- 14 3. Division of Expositions.
- 15 4. Division of Kentucky Exposition Center Operations.
- 16 5. Division of Kentucky International Convention Center.
- 17 6. Division of Public Relations and Media.
- 18 7. Division of Venue Services.
- 19 8. Division of Personnel Management and Staff Development.
- 20 9. Division of Sales.
- 21 10. Division of Security and Traffic Control.
- 22 11. Division of Information Technology.
- 23 12. Division of the Louisville Arena.
- 24 13. Division of Fiscal and Contract Management.
- 25 14. Division of Access Control.
- 26 (f) Office of the Secretary.
- 27 1. Office of Finance.

- 1 2. Office of Government Relations and Administration.
- 2 (g) Office of Legal Affairs.
- 3 (h) Office of Human Resources.
- 4 (i) Office of Public Affairs and Constituent Services.
- 5 (j) Office of Arts and Cultural Heritage.
- 6 (k) Kentucky African-American Heritage Commission.
- 7 (l) Kentucky Foundation for the Arts.
- 8 (m) Kentucky Humanities Council.
- 9 (n) Kentucky Heritage Council.
- 10 (o) Kentucky Arts Council.
- 11 (p) Kentucky Historical Society.
- 12 1. Division of Museums.
- 13 2. Division of Oral History and Educational Outreach.
- 14 3. Division of Research and Publications.
- 15 4. Division of Administration.
- 16 (q) Kentucky Center for the Arts.
- 17 1. Division of Governor's School for the Arts.
- 18 (r) Kentucky Artisans Center at Berea.
- 19 (s) Northern Kentucky Convention Center.
- 20 (t) Eastern Kentucky Exposition Center.
- 21 (9) Personnel Cabinet:
- 22 (a) Office of the Secretary.
- 23 (b) Department of Human Resources Administration.
- 24 (c) Office of Employee Relations.
- 25 (d) Kentucky Public Employees Deferred Compensation Authority.
- 26 (e) Office of Administrative Services.
- 27 (f) Office of Legal Services.

- 1 (g) Governmental Services Center.
- 2 (h) Department of Employee Insurance.
- 3 (i) Office of Diversity, Equality, and Training.
- 4 (j) Office of Public Affairs.
- 5 (10) Education and Labor Cabinet:
- 6 (a) Office of the Secretary.
- 7 1. Office of Legal Services.
- 8 a. Workplace Standards Legal Division.
- 9 b. Workers' Claims Legal Division.
- 10 c. Workforce Development Legal Division.
- 11 2. Office of Administrative Services.
- 12 a. Division of Human Resources Management.
- 13 b. Division of Fiscal Management.
- 14 c. Division of Operations and Support Services.
- 15 3. Office of Technology Services.
- 16 a. Division of Information Technology Services.
- 17 4. Office of Policy and Audit.
- 18 5. Office of Legislative Services.
- 19 6. Office of Communications.
- 20 7. Office of the Kentucky Center for Statistics.
- 21 8. Board of the Kentucky Center for Statistics.
- 22 9. Early Childhood Advisory Council.
- 23 10. Governors' Scholars Program.
- 24 11. Governor's School for Entrepreneurs Program.
- 25 12. Foundation for Adult Education.
- 26 (b) Department of Education.
- 27 1. Kentucky Board of Education.

- 1 2. Kentucky Technical Education Personnel Board.
- 2 3. Education Professional Standards Board.
- 3 (c) Board of Directors for the Center for School Safety.
- 4 (d) Department for Libraries and Archives.
- 5 (e) Kentucky Environmental Education Council.
- 6 (f) Kentucky Educational Television.
- 7 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 8 (h) Department of Workforce Development.
 - 9 1. Career Development Office.
 - 10 2. Office of Vocational Rehabilitation.
 - 11 a. Division of Kentucky Business Enterprise.
 - 12 b. Division of the Carl D. Perkins Vocational Training Center.
 - 13 c. Division of Blind Services.
 - 14 d. Division of Field Services.
 - 15 e. Statewide Council for Vocational Rehabilitation.
 - 16 f. Employment First Council.
 - 17 g. Division of Program Policy and Support.
 - 18 3. Office of Industry and Apprenticeship Services.
 - 19 a. Division of Apprenticeship.
 - 20 b. Division of Workforce Talent.
 - 21 4. Kentucky Apprenticeship Council.
 - 22 5. Division of Technical Assistance.
 - 23 6. Office of Adult Education.
 - 24 7. Office of the Kentucky Workforce Innovation Board.
- 25 (i) Department of Workplace Standards.
 - 26 1. Division of Occupational Safety and Health Compliance.
 - 27 2. Division of Occupational Safety and Health Education and

- 1 Training.
- 2 3. Division of Wages and Hours.
- 3 (j) Office of Unemployment Insurance.
- 4 (k) Kentucky Unemployment Insurance Commission.
- 5 (l) Department of Workers' Claims.
- 6 1. Division of Workers' Compensation Funds.
- 7 2. Office of Administrative Law Judges.
- 8 3. Division of Claims Processing.
- 9 4. Division of Security and Compliance.
- 10 5. Division of Specialist and Medical Services.
- 11 6. Workers' Compensation Board.
- 12 (m) Workers' Compensation Funding Commission.
- 13 (n) Kentucky Occupational Safety and Health Standards Board.
- 14 (o) State Labor Relations Board.
- 15 (p) Employers' Mutual Insurance Authority.
- 16 (q) Kentucky Occupational Safety and Health Review Commission.
- 17 (r) Workers' Compensation Nominating Committee.
- 18 (s) Office of Educational Programs.
- 19 (t) Kentucky Workforce Innovation Board.
- 20 (u) Kentucky Commission on Proprietary Education.
- 21 (v) Kentucky Work Ready Skills Advisory Committee.
- 22 (w) Kentucky Geographic Education Board.
- 23 (x) Department for Disability Determination Services.
- 24 1. Division of Operations.
- 25 2. Division of Support Services.
- 26 3. Division of Specialized Cases.
- 27 4. Division of Case Processing.

- 1 III. Other departments headed by appointed officers:
- 2 (1) Council on Postsecondary Education.
- 3 (2) Department of Military Affairs.
- 4 (3) Department for Local Government.
- 5 (4) Kentucky Commission on Human Rights.
- 6 (5) Kentucky Commission on Women.
- 7 (6) Department of Veterans' Affairs.
- 8 (7) Kentucky Commission on Military Affairs.
- 9 (8) Office of Minority Empowerment.
- 10 (9) Governor's Council on Wellness and Physical Activity.
- 11 (10) Kentucky Communications Network Authority.
- 12 ➔Section 12. KRS 15A.020 is amended to read as follows:
- 13 (1) The Justice and Public Safety Cabinet shall have the following departments:
- 14 (a) Department of Corrections;
- 15 (b) Department of Criminal Justice Training, which shall have the following
- 16 divisions:
- 17 1. Training Operations Division; and
- 18 2. Administrative Division;
- 19 (c) Department of Juvenile Justice, which shall have the following offices and
- 20 divisions:
- 21 1. Office of Program Operations, which shall have the following divisions:
- 22 a. Division of Western Region;
- 23 b. Division of Eastern Region; and
- 24 c. Division of Placement Services;
- 25 2. Office of Support Services, which shall have the following divisions:
- 26 a. Division of Administrative Services;
- 27 b. Division of Program Services; and

- 1 c. Division of Professional Development;
- 2 3. Office of Community and Mental Health Services, which shall have the
- 3 following division:
- 4 a. Division of Community and Mental Health Services;
- 5 4. Office of Detention, which shall require that all detention centers report
- 6 to one (1) supervisor who reports directly to the commissioner, and
- 7 which shall have the following division:
- 8 a. Division of Transportation; and
- 9 5. Division of Compliance;
- 10 (d) Department of Kentucky State Police, which shall have the following offices
- 11 and divisions:
- 12 1. Office of Administrative Services, which shall be headed by an
- 13 executive director who shall be appointed by the commissioner of the
- 14 Department of Kentucky State Police and who shall report to the
- 15 commissioner;
- 16 a. Division of Operational Support, which shall be headed by a
- 17 director who shall be appointed by the commissioner of the
- 18 Department of Kentucky State Police and who shall report to the
- 19 executive director of the Office of Administrative Services; and
- 20 b. Division of Management Services, which shall be headed by a
- 21 director who shall be appointed by the commissioner of the
- 22 Department of Kentucky State Police and who shall report to the
- 23 executive director of the Office of Administrative Services;
- 24 2. Office of Operations, which shall be headed by an executive director
- 25 who shall be appointed by the commissioner of the Department of
- 26 Kentucky State Police and who shall report to the commissioner;
- 27 a. Division of West Troops, which shall be headed by a director who

- 1 shall be appointed by the commissioner of the Department of
2 Kentucky State Police and who shall report to the executive
3 director of the Office of Operations;
- 4 b. Division of East Troops, which shall be headed by a director who
5 shall be appointed by the commissioner of the Department of
6 Kentucky State Police and who shall report to the executive
7 director of the Office of Operations;
- 8 c. Division of Special Enforcement, which shall be headed by a
9 director who shall be appointed by the commissioner of the
10 Department of Kentucky State Police and who shall report to the
11 executive director of the Office of Operations; and
- 12 d. Division of Commercial Vehicle Enforcement, which shall be
13 headed by a director who shall be appointed by the commissioner
14 of the Department of Kentucky State Police and who shall report
15 to the executive director of the Office of Operations;~~and~~
- 16 3. Office of Technical Services, which shall be headed by an executive
17 director who shall be appointed by the commissioner of the Department
18 of Kentucky State Police and who shall report to the commissioner;
- 19 a. Division of Forensic Services, which shall be headed by a director
20 who shall have a minimum of a bachelor's degree in a natural
21 science and at least seven (7) years of experience in an accredited
22 forensic laboratory, who shall be appointed by the commissioner
23 of the Department of Kentucky State Police, and who shall report
24 to the executive director of the Office of Technical Services;
- 25 b. Division of Electronic Services, which shall be headed by a
26 director who shall be appointed by the commissioner of the
27 Department of Kentucky State Police and who shall report to the

1 executive director of the Office of Technical Services; and
 2 c. Division of Records Management, which shall be headed by a
 3 director who shall be appointed by the commissioner of the
 4 Department of Kentucky State Police and who shall report to the
 5 executive director of the Office of Technical Services; and

6 **4. Office of Public Defense, which shall be headed by a director who**
 7 **shall be, ex officio, the commissioner of the Department of Kentucky**
 8 **State Police; and**

9 (e) Department of Public Advocacy, which shall have the following divisions:

- 10 1. Protection and Advocacy Division;
- 11 2. Division of Law Operations;
- 12 3. Division of Trial Services;
- 13 4. Division of Post-Trial Services;
- 14 5. Division of Conflict and Contract Services; and
- 15 6. Division of Education, Strategic Planning, and Recruitment.

16 (2) Each department, except for the Department of Public Advocacy, shall be headed
 17 by a commissioner who shall be appointed by the secretary of the Justice and Public
 18 Safety Cabinet with the approval of the Governor as required by KRS 12.040. Each
 19 commissioner shall be directly responsible to the secretary and shall have ~~the~~^[such]
 20 functions, powers, and duties as provided by law and as the secretary may
 21 prescribe. The Department of Public Advocacy shall be headed by the public
 22 advocate, appointed as required by KRS 31.020, who shall be directly responsible
 23 to the Public Advocacy Commission. The Department of Public Advocacy is an
 24 independent state agency which shall be attached to the Justice and Public Safety
 25 Cabinet for administrative purposes only. The Justice and Public Safety Cabinet
 26 shall not have control over the Department of Public Advocacy's information
 27 technology equipment and use unless granted access by court order.

1 (3) The Justice and Public Safety Cabinet shall have the following offices and
2 divisions:

3 (a) Office of the Secretary, which shall be headed by a deputy secretary
4 appointed pursuant to KRS 12.050 and responsible for the direct
5 administrative support for the secretary and other duties as assigned by the
6 secretary, and which, with the approval of the secretary, may employ~~[-such]~~
7 staff as necessary to perform the duties, functions, and responsibilities of the
8 office;

9 (b) Office of Human Resource Management, which shall be headed by an
10 executive director appointed pursuant to KRS 12.050 who shall be responsible
11 to and report to the secretary and be responsible for all matters relating to
12 human resources, and who, with the approval of the secretary, may employ~~[-~~
13 ~~such]~~ staff as necessary to perform the duties, functions, and responsibilities
14 of the office;

15 1. Division of Human Resource Administration, which shall be headed by
16 a director appointed pursuant to KRS 12.050 who shall report to the
17 executive director of the Office of Human Resource Management; and

18 2. Division of Employee Management, which shall be headed by a director
19 appointed pursuant to KRS 12.050 who shall report to the executive
20 director of the Office of Human Resource Management;

21 (c) Office of Legal Services, which shall be headed by an executive director
22 appointed pursuant to KRS 12.050 and 12.210, that:

23 1. Shall provide legal representation and services for the cabinet; and

24 2. May investigate all complaints regarding the facilities, staff, treatment
25 of juveniles, and other matters relating to the operation of the Justice
26 and Public Safety Cabinet. If it appears that there is a violation of
27 statutes, administrative regulations, policies, court decisions, the rights

1 of juveniles who are subject to the orders of the department, or any other
2 matter relating to the Justice and Public Safety Cabinet, the office shall
3 report to the secretary of the Justice and Public Safety Cabinet who
4 shall, if required, refer the matter to a law enforcement agency,
5 Commonwealth's attorney, county attorney, the Attorney General, or
6 federal agencies, as appropriate. The office may be used to investigate
7 matters in which there is a suspicion of violation of written policy,
8 administrative regulation, or statutory law within the Department of
9 Public Advocacy only when the investigation will have no prejudicial
10 impact upon a person who has an existing attorney-client relationship
11 with the Department of Public Advocacy. Notwithstanding the
12 provisions of this subparagraph, investigation and discipline of KRS
13 Chapter 16 personnel shall continue to be conducted by the Department
14 of Kentucky State Police pursuant to KRS Chapter 16. The office shall
15 conduct no other investigations under the authority granted in this
16 subparagraph. The secretary may, by administrative order, assign the
17 investigative functions in this subparagraph to a branch within the
18 office.

19 The executive director shall be directly responsible to and report to the
20 secretary and, with the approval of the secretary, may employ ~~such~~ attorneys
21 appointed pursuant to KRS 12.210 and other staff as necessary to perform the
22 duties, functions, and responsibilities of the office;

23 (d) Office of Legislative and Intergovernmental Services, which shall be headed
24 by an executive director appointed pursuant to KRS 12.050 who shall be
25 responsible for all matters relating to the provision of support to the Criminal
26 Justice Council, legislative liaison services, and functions and duties vested in
27 the Criminal Justice Council as described in KRS 15A.030. The executive

1 director shall be directly responsible to and report to the secretary and may
2 employ~~such~~ staff as necessary to perform the duties, functions, and
3 responsibilities of the office;

4 (e) Office of Communications, which shall be headed by an executive director
5 appointed by the secretary of the Justice and Public Safety Cabinet pursuant to
6 KRS 12.050 who shall be responsible to report to the secretary and be
7 responsible for all matters relating to communications, and who, with the
8 approval of the secretary, may employ~~such~~ staff as necessary to perform the
9 duties, functions, and responsibilities of the office;

10 1. Information and Technology Services Division, which shall be headed
11 by a director appointed by the secretary of the Justice and Public Safety
12 Cabinet pursuant to KRS 12.050 who shall report to the executive
13 director of the Office of Communications;

14 (f) Office of Financial Management Services, which shall be headed by an
15 executive director appointed by the secretary of the Justice and Public Safety
16 Cabinet pursuant to KRS 12.050 who shall be responsible to report to the
17 secretary and be responsible for all matters relating to fiscal functions, and
18 who, with the approval of the secretary, may employ~~such~~ staff as necessary
19 to perform the duties, functions, and responsibilities of the office;

20 1. Division of Financial Management, which shall be headed by a director
21 appointed by the secretary of the Justice and Public Safety Cabinet
22 pursuant to KRS 12.050 who shall report to the executive director of the
23 Office of Financial Management Services;

24 (g) Grants Management Division, which shall be headed by a director appointed
25 by the secretary of the Justice and Public Safety Cabinet pursuant to KRS
26 12.050 who shall be responsible to report to the secretary and be responsible
27 for all matters relating to state and federal grants management, and who, with

1 the approval of the secretary, may employ ~~such~~ staff as necessary to perform
2 the duties, functions, and responsibilities of the office;

3 (h) Office of the Kentucky State Medical Examiner, which shall be headed by a
4 chief medical examiner appointed pursuant to KRS 72.240 who shall be
5 responsible for all matters relating to forensic pathology and forensic
6 toxicology and other duties as assigned by the secretary. The executive
7 director appointed pursuant to KRS 12.050 shall be responsible for all matters
8 related to the administrative support of the Office of the State Medical
9 Examiner. The executive director shall report directly to the secretary and
10 with the approval of the secretary may employ ~~such~~ administrative support
11 staff as necessary to perform the administrative duties, functions, and
12 responsibilities of the office. The chief medical examiner shall be directly
13 responsible to and report to the secretary and may employ ~~such~~ staff as
14 necessary to perform the forensic duties, functions, and responsibilities of the
15 office; and

16 (i) Office of Drug Control Policy, which shall be headed by an executive director
17 appointed pursuant to KRS 12.050 who shall be responsible for all matters
18 relating to the research, coordination, and execution of drug control policy
19 and for the management of state and federal grants, including but not limited
20 to the prevention and treatment related to substance abuse. By December 31
21 of each year, the Office of Drug Control Policy shall review, approve, and
22 coordinate all current projects of any substance abuse program which is
23 conducted by or receives funding through agencies of the executive branch.
24 This oversight shall extend to all substance abuse programs which are
25 principally related to the prevention or treatment, or otherwise targeted at the
26 reduction, of substance abuse in the Commonwealth. The Office of Drug
27 Control Policy shall promulgate administrative regulations consistent with

1 enforcing this oversight authority. The executive director shall be directly
2 responsible to and report to the secretary and may employ~~[-such]~~ staff as
3 necessary to perform the duties, functions, and responsibilities of the office.