

1 AN ACT relating to the reporting of costs, fines, and fees.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act:*

6 *(1) "Cost" or "costs":*

7 *(a) Means any financial charge or reimbursement assessed by a governmental*
8 *entity in connection with a criminal proceeding or civil traffic enforcement*
9 *action that is not classified as a fee as defined in subsection (3) of this*
10 *section, or a fine as defined in subsection (4) of this section;*

11 *(b) Includes but is not limited to:*

12 *1. Court costs, clerk costs, or administrative costs imposed upon*
13 *conviction, plea, or resolution of a case;*

14 *2. Costs for service of:*

15 *a. Process;*

16 *b. Warrants;*

17 *c. Subpoenas; or*

18 *d. Other court-related services; and*

19 *3. Technology fees, facility fees, library fees, or other mandatory judicial*
20 *surcharges; and*

21 *(c) Does not include any financial charge imposed in connection with parking,*
22 *standing, or stopping violations, or non-traffic civil enforcement actions.*

23 *(2) "Director" means the executive director of the Office of the Kentucky Center for*
24 *Statistics;*

25 *(3) "Fee":*

26 *(a) Means a financial obligation assessed by a governmental entity that is*
27 *separate from or in addition to a cost or fine, excluding any obligation for*

- 1 victim restitution or payments to fund victim servicers; and
- 2 (b) Includes but is not limited to assessments and surcharges imposed to access
- 3 services or to fund the criminal justice system or other government
- 4 programs or services, whether imposed at the time of arrest, booking, in
- 5 court, while incarcerated, during diversion, or during probation or parole,
- 6 and whether imposed pursuant to statute, court order, or local ordinance;
- 7 (4) "Fine" means a punitive financial sanction assessed by a governmental entity for
- 8 a criminal violation or civil traffic infraction, excluding:
- 9 (a) Parking, standing, or stopping violations, and
- 10 (b) Civil fines imposed solely for non-traffic ordinance violations, code
- 11 enforcement, zoning, nuisance, or property maintenance under KRS
- 12 Chapter 65 or any similar local ordinance;
- 13 (5) "Governmental entity" means a city, county, urban-county government, charter
- 14 county government, consolidated local government, unified local government, or
- 15 other political subdivision, governmental body, or agency of the Commonwealth,
- 16 including but not limited to the Department of Corrections, county jails and
- 17 regional detention facilities, any division of the Court of Justice of the
- 18 Commonwealth, and the Administrative Office of the Courts, that assesses or
- 19 collects fines, fees, or costs related to a:
- 20 (a) Criminal proceeding or criminal violation; or
- 21 (b) Civil enforcement action limited to traffic violations, excluding:
- 22 1. Parking, standing, or stopping violations; and
- 23 2. Civil fines imposed solely for non-traffic ordinance violations, code
- 24 enforcement, zoning, nuisance, or property maintenance under KRS
- 25 Chapter 65 or any similar local ordinance;
- 26 (6) "Interest" means any additional charge assessed on an unpaid cost, fine, or fee
- 27 due to late payment;

1 (7) "Restructured or discharged" means any modification, reduction, or waiver of a
2 cost, fine, fee, or associated interest, including any indigency determination,
3 payment plan, community service alternative, or court order; and

4 (8) "Type" means the classification of a cost, fine, or fee, which shall include:

5 (a) The specific category of the assessed cost, fine, or fee, such as court costs,
6 public defender fees, probation and parole supervision fees, reimbursement
7 under KRS 441.265, electronic monitoring fees, bail-related fees or
8 surcharges, late fees, interest, and collection fees;

9 (b) The statutory or ordinance authority under which the cost, fine, or fee was
10 assessed;

11 (c) The specific governmental entity that assessed the cost, fine, or fee; and

12 (d) The stage of the proceeding at which the specific cost, fine, or fee was
13 assessed.

14 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) Notwithstanding KRS 6.945, each governmental entity shall compile and submit
17 in electronic form to the director, in accordance with administrative regulations
18 promulgated under KRS Chapter 13A, the following quantitative data by fiscal
19 year for costs, fines, and fees assessed by that entity:

20 (a) Total aggregated amount of all:

21 1. Costs;

22 2. Fines;

23 3. Fees;

24 4. Interest on:

25 a. Costs;

26 b. Fines; and

27 c. Fees; and

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5. Late payments on:

a. Costs;

b. Fines; and

c. Fees;

delineated by assessed, paid, and unpaid subtotals;

(b) Total amount, disaggregated by type, of:

1. Costs;

2. Fines;

3. Fees;

4. Interest on:

a. Costs;

b. Fines; and

c. Fees; and

5. Late payments on:

a. Costs;

b. Fines; and

c. Fees;

delineated by assessed, paid, and unpaid subtotals;

(c) 1. Total number of initial assessments that were restructured or discharged; and

2. Total amount of the reduction from any restructure or amount of the discharge; and

(d) The percentage distribution of all individuals ordered to pay amounts reported under paragraphs (a) and (b) of this subsection by:

1. Gender;

2. Race;

3. Ethnicity;

- 1 4. County of residence;
- 2 5. Parental status;
- 3 6. Marital status;
- 4 7. Highest level of education attained; and
- 5 8. Whether the individual qualified as a needy person pursuant to KRS
- 6 31.120, if that determination was made;
- 7 provided each governmental entity shall report the percentage distribution
- 8 required under this subsection only for those demographic categories that
- 9 the entity already collected or maintained data in its records prior to the
- 10 effective date of this Act. The governmental entity is not required to report
- 11 percentage distributions for any demographic category under this
- 12 subsection that it did not collect or maintain data in its records before the
- 13 effective date of this Act.
- 14 (2) Each governmental entity shall compile and submit in electronic form to the
- 15 director, in accordance with administrative regulations promulgated under KRS
- 16 Chapter 13A, the following quantitative data by fiscal year for costs, fines, and
- 17 fees assessed and collected by that entity:
- 18 (a) The total amount of costs, fines, fees, interest, and late payments paid, as
- 19 reported under subsection (1) of this section, disaggregated by the recipient
- 20 or allocation of those funds, excluding any special funds or trust funds
- 21 established by statute, including but not limited to:
- 22 1. Each county, city, or other political subdivision that received any
- 23 portion;
- 24 2. Each private agency, business, contractor, collection service, or other
- 25 nongovernmental organization or entity that receives any portion; and
- 26 3. Any other organization, service provider, or purpose authorized by
- 27 statute, ordinance, or court order to receive a share, excluding special

- 1 funds and trust funds established by statute; and
- 2 **(b) For each recipient or allocation identified under paragraph (a)1. of this**
- 3 **subsection:**
- 4 **1. The statutory or ordinance authority for the allocation;**
- 5 **2. The total amount paid to that recipient or allocated for that purpose**
- 6 **during the fiscal year; and**
- 7 **3. The percentage of the total paid amounts represented by that**
- 8 **allocation.**
- 9 **(3) Beginning July 31, 2027, and annually thereafter no later than July 31 of each**
- 10 **following year, all data required under subsection (1) of this section shall be**
- 11 **submitted by each government entity to the director.**

12 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
 13 READ AS FOLLOWS:

- 14 **(1) Beginning November 1, 2027, and annually thereafter no later than November 1**
- 15 **of each following year, the director shall publish on the website of the Office of**
- 16 **the Kentucky Center for Statistics, in an interactive and searchable format, the**
- 17 **data submitted under Section 2 of this Act.**
- 18 **(2) The director shall not publish any information that could reasonably result in the**
- 19 **identification of any individual ordered to pay a cost, fine, fee, interest, or other**
- 20 **charge, and shall apply de-identification standards required under Section 5 of**
- 21 **this Act.**

22 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO
 23 READ AS FOLLOWS:

- 24 **Beginning January 31, 2028, and annually thereafter no later than January 31 of each**
- 25 **following year, the Legislative Oversight and Investigations Committee shall prepare a**
- 26 **summary of the data published pursuant to Section 3 of this Act and shall submit the**
- 27 **summary to the General Assembly.**

1 ➔Section 5. KRS 151B.133 is amended to read as follows:

2 The duties of the Office of the Kentucky Center for Statistics shall be to:

- 3 (1) Oversee and maintain the warehouse of data in the Kentucky Longitudinal Data
4 System;
- 5 (2) Develop de-identification standards and processes using modern statistical methods;
- 6 (3) Conduct research and evaluation regarding federal, state, and local education and
7 training programs at all levels;
- 8 (4) Audit and ensure compliance of education and training programs with applicable
9 federal and state requirements as authorized by federal and state law;
- 10 (5) Work with public agencies and other entities to define statewide education,
11 workforce development, and employment metrics and ensure the integrity and
12 quality of data being collected;
- 13 (6) Link data from multiple sources for consideration in developing broad public policy
14 initiatives;
- 15 (7) Develop requirements and definitions for data to be provided by any public agency,
16 private institution of higher education, private school, or parochial school, as
17 directed by the Board of the Kentucky Center for Statistics;
- 18 (8) Develop a reasonable fee schedule for services provided;
- 19 (9) Establish data quality standards;
- 20 (10) Promulgate administrative regulations **in accordance with KRS Chapter 13A**
21 necessary for the proper administration of the
22 **(a) Kentucky Longitudinal Data System; and**
23 **(b) Duties assigned under subsection (15) of this section;**
- 24 (11) Ensure compliance with the federal Family Educational Rights and Privacy Act, 20
25 U.S.C. sec 1232g, and all other relevant federal and state privacy laws;
- 26 (12) Respond to approved research data requests in accordance with the data access and
27 use policy established by the board;

1 (13) Develop and disseminate, in cooperation with the Council on Postsecondary
 2 Education and the Department of Education, information on the employment and
 3 earnings of the public postsecondary institution graduates in Kentucky. This
 4 information shall be updated at least every three (3) years and shall be:

- 5 (a) Posted on the website~~[Web site]~~ of:
- 6 1. The Office of the Kentucky Center for Statistics;
- 7 2. ~~[(b) Posted on the Web site of]~~The Council on Postsecondary
 8 Education; and
- 9 3. ~~[(c) Posted on the Web site of]~~Each public postsecondary institution,
 10 with the website~~[Web site]~~ address published in each institution's
 11 catalogue; and
- 12 ~~(b)~~~~[(d)]~~ Made available to every high school guidance and career counselor, who
 13 shall be notified of its availability for the purpose of informing all high school
 14 students preparing for postsecondary education;~~[and]~~

15 (14) Enter into contracts or other agreements with appropriate entities, including but not
 16 limited to federal, state, and local agencies, to the extent necessary to carry out its
 17 duties and responsibilities only if such contracts or agreements incorporate adequate
 18 protections with respect to the confidentiality of any information to be shared; and

19 **(15) Comply with Sections 1 to 3 of this Act.**

20 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 43 IS CREATED TO
 21 READ AS FOLLOWS:

22 **(1) The Auditor of Public Accounts may, at the request of the Governor or any**
 23 **member of the General Assembly, perform a financial audit of records related to**
 24 **revenues collected through costs, fines, and fees. The audit shall be conducted in**
 25 **accordance with generally accepted government auditing standards.**

26 **(2) A final copy of any audit report issued under this section shall be publicly**
 27 **available and shall be submitted to the:**

1 (a) Legislative Research Commission for referral to the Interim Joint
2 Committee on Judiciary and the Interim Joint Committee on Appropriations
3 and Revenue;

4 (b) Attorney General; and

5 (c) Governor.

6 ➔Section 7. This Act may be cited as the Costs, Fines, and Fees Reporting Act.