AN ACT relating to court-ordered transports.

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

➔Section 1. KRS 70.280 is amended to read as follows:

(1) A certified court security officer shall be charged with the following duties:

(a) Attending sessions of any court of the Court of Justice in the county in which he or she is sworn;

(b) Keeping order in the courts;

(c) Providing security services to the courts within the court facility or immediate area of the court facility;

(d) Guarding prisoners during court appearances;

(e) Serving warrants and other court papers on individuals physically present in the courtroom ***or in the court facility***;

(f) Transporting prisoners ***or other individuals being detained or in custody as ordered by the court***;

(g) Arresting and taking individuals into custody who are in the court facility or immediate area of the court facility, or while transporting***, monitoring, or supervising*** prisoners ***or other individuals ordered transported by the court***; and

(h) Service of process and other papers relating to civil matters on individuals physically present in the courtroom ***or in the court facility***.

(2) A certified court security officer shall not:

(a) Go outside the immediate area of the court facility in which he or she is providing security services to make an arrest or take an individual into custody, except ***as provided in subsection (1) of this section***[~~when transporting prisoners~~];

(b) Patrol the roads, streets, or highways;

(c) Issue traffic citations, except to enforce parking regulations around the court

facility; or

(d) Perform general law enforcement duties outside that of providing court security.

➔Section 2. KRS 202A.028 is amended to read as follows:

(1) Following an examination by a qualified mental health professional and a certification by that professional that the person meets the criteria for involuntary hospitalization, a judge may order the person hospitalized for a period not to exceed seventy-two (72) hours, excluding weekends and holidays. For the purposes of this section, the qualified mental health professional shall be:

(a) A staff member of a regional community program for mental health or individuals with an intellectual disability;

(b) An individual qualified and licensed to perform the examination through the use of telehealth services; or

(c) The psychiatrist ordered, subject to the court's discretion, to perform the required examination.

(2) Any person who has been admitted to a hospital under subsection (1) of this section shall be released from the hospital within seventy-two (72) hours, excluding weekends and holidays, unless further held under the applicable provisions of this chapter.

(3) Any person admitted to a hospital under subsection (1) of this section or transferred to a hospital while ordered hospitalized under subsection (1) of this section shall be transported from the person's home county by the sheriff of that county***, certified court security officer,*** or other peace officer as ordered by the court. The sheriff or other peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the person to the hospital. The transportation costs of the sheriff, ***certified court security officer,*** other peace

officer, ambulance service, or other private agency on contract with the cabinet shall be paid by the cabinet in accordance with an administrative regulation promulgated by the cabinet~~[,]~~ ***in accordance with***~~[pursuant to]~~ KRS Chapter 13A.

(4) Any person released from the hospital under subsection (2) of this section shall be transported to the person's county of discharge by a sheriff***, certified court security officer,*** or other peace officer, by an ambulance service designated by the cabinet, or by other appropriate means of transportation which is consistent with the treatment plan of that person. The transportation cost of transporting the patient to the patient's county of discharge when performed by a ***sheriff, certified court security officer,*** peace officer, ambulance service, or other private agency on contract with the cabinet shall be paid by the cabinet in accordance with an administrative regulation ***promulgated***~~[issued]~~ by the cabinet ***in accordance with***~~[pursuant to]~~ KRS Chapter 13A.

(5) ***A***~~[No]~~ person who has been held under subsection (1) of this section shall ***not*** be held in jail pending evaluation and transportation to the hospital.

➔Section 3. KRS 202A.101 is amended to read as follows:

(1) The court which orders any person to the receiving hospital or psychiatric facility, under the provisions of this chapter, shall ***immediately***~~[at once]~~ notify the receiving hospital or psychiatric facility that ***the***~~[such]~~ order has been made, advising of the sex and condition of the person.

(2) After the facility has been~~[so]~~ notified ***of the order***, the court shall order the sheriff of the county or other peace officer to transport the patient within forty-eight (48) hours***,*** ~~[(]~~excluding weekends and holidays***,***~~[)]~~ from the county in which the person is located to the hospital or psychiatric facility designated by the cabinet. The sheriff or other peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the person to the

hospital.

(3) The transportation costs of transporting a person to a hospital or psychiatric facility, when performed by a ***sheriff, certified court security officer,*** peace officer, an ambulance service, or other private agency on contract with the cabinet shall be paid by the cabinet in accordance with ***an*** administrative regulation promulgated by the cabinet ***in accordance with***~~[under the provisions of]~~ KRS Chapter 13A.

(4) In returning any patient to the county from which the patient is sent, the transportation cost of the sheriff***, certified court security officer,***~~[or]~~ other peace officer, the ambulance service, or the other agency on contract with the cabinet transporting the patient shall be paid as provided in KRS 202A.028(4), when necessary.

(5) Whenever an individual is involuntarily hospitalized by a court order***,*** the patient shall be transported to the hospital designated by the cabinet and accompanied by the following documents:

(a) A copy of the petition for involuntary hospitalization, unless hospitalization takes place pursuant to KRS 202A.041;

(b) The certificate of qualified mental health professionals; and

(c) The order of involuntary hospitalization.

(6) The hospital may refuse to receive any person who has been ordered to be involuntarily hospitalized by a court order if the papers presented with ***the***~~[such]~~ person at the hospital do not comply with the provisions of this chapter or if ***the hospital***~~[it]~~ does not receive notification of the order of involuntary hospitalization as required by this chapter.