

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 30:020. Arrest and disposition reporting procedure.

RELATES TO: KRS 17.110, 17.115

STATUTORY AUTHORITY: 15A.160, ~~[17.080,]~~ 17.150

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.110 mandates that all city and county law enforcement agencies shall submit to the Justice Cabinet, Department of State Police, photographs, and a description report of the offense on all persons arrested ~~for a felony charge~~. KRS 17.115(2) requires persons in charge of any penal or correctional institution to provide the cabinet with fingerprints and descriptions on all persons committed to their custody or detained by them on cases where fingerprints and descriptions are taken, together with a report of the disposition. KRS 17.150(6) authorizes the Secretary of Justice to adopt administrative regulations that are necessary to insure the accuracy of ~~said~~ criminal history record information. This administrative regulation establishes arrest and disposition reporting procedures.

Section 1. Offense Reporting Procedure. ~~[Within thirty (30) days of the arrest for an offense covered by KRS 17.110, two (2) sets of fingerprint cards, a mug shot or the negative of the mug shot, and a general description report (UOR-1) of the offense shall submitted to Records. Further,]~~ Law enforcement and criminal justice agencies shall cooperate with Records by complying with a "unique numbering system" to allow court disposition tracing. The "unique numbering system" shall be accomplished by the issuance of a Uniform Citation with every ~~[felony]~~ arrest as it relates to 502 KAR 30:020 subject to an agreement with the Chief Justice of the Supreme Court of Kentucky as set out in Section 2(2) of this administrative regulation.

Section 2. Disposition Reporting Procedures.

(1) Dispositions shall be submitted from each city and county law enforcement agency to Records; ~~[in the form of the Uniform Offense Report (UOR-3),]~~ or any subsequent disposition reporting instrument required by the Kentucky State Police.

(2) Upon suitable written agreement with the Chief Justice of the Kentucky Supreme Court and the Secretary of the Justice Cabinet, a unique tracking number will be assigned to each offender at the time of arrest. This unique number will be utilized throughout the movement of the offender through the criminal justice system, thereby enabling the Administrative Office of the Courts to provide a system compatible ~~format[computer tape]~~ to Records for automatic update of court dispositions in the CHRI files.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 4:00 p.m. on November 22, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing,

you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes arrest and disposition reporting procedures.

(b) The necessity of this administrative regulation:

This regulation is necessary in order to supply the Department with the required information pertaining to arrests made in the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This regulation establishes the reporting system necessary to effectively inform the Department of arrests made in the Commonwealth, and the eventual disposition of the matter.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The regulation details the time allotted for an offense to be submitted to Records, and details the requirements of the unique numbering system in order to effectively keep track of the reported offenses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment clarifies the existing language of the regulation, and removes outdated terms and requirements, including the completion of a UOR-1 or UOR-3 form.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary in order for the regulation to reflect current procedures implemented by the Department.

(c) How the amendment conforms to the content of the authorizing statutes:

The amended regulation allows for the reporting procedures to be more effectively understood by the Department and reporting agencies.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment clarifies the existing language, which results in a more concise, and clear regulation; the amendment also removed outdated terms.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Department of Kentucky State Police, and criminal justice agencies. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new or additional actions will have to be taken by the regulated entities in order to effectively comply with this amended regulation. (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing. (c) As a result of compliance, what benefits will accrue to the entities: The Department and criminal

justice agencies will benefit from more clearly defined procedures, which will assist in the administration of the procedures.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No answer provided.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

No answer provided.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

None.

(b) On a continuing basis:

None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No, this regulation does not establish any new fees; nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department of Kentucky State Police, and criminal justice agencies.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 15A.160, 17.110, 17.115, 17.150

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

Nothing.

(d) How much will it cost to administer this program for subsequent years?

Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):None.

Expenditures (+/-):None.

Other Explanation:

None.