

2019 KCLM UPDATE ADDENDUM

CHANGES HIGHLIGHTED ON AMENDED STATUTES, TITLES HIGHLIGHTED ON NEW LAWS

KRS 186.010 Definitions

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(2) "**Highway**" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license, or privilege, for the purpose of vehicular traffic.

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(4) "**Motor vehicle**" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a moped as defined in this section, but for registration purposes shall include low-speed vehicles and military surplus vehicles as defined in this section and vehicles operating under KRS 189.283;

(5) "**Moped**" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

(6) "**Operator**" means any person in actual control of a motor vehicle upon a highway.

(7) (a) "**Owner**" means a person who holds the legal title of a vehicle or a person who pursuant to a bona fide sale has received physical possession of the vehicle subject to any applicable security interest.

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(8) (a) "**Vehicle**," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, **except electric low-speed scooters**, road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the city limit of any municipality.

(b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, **except electric low-speed scooters**, devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires.

(9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses.

(10) "**Dealer**" means any person engaging in the business of buying or selling motor vehicles.

(11) "**Commercial vehicles**" means all motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being used for commercial or business purposes, and motor vehicles registered under KRS 186.060.

(12) "**Resident**" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include, but not be limited to, a deed or property tax bill, utility agreement or utility bill, or rental housing agreement. The possession by an operator of a vehicle of a valid Kentucky operator's license shall be prima-facie evidence that the operator is a resident of Kentucky.

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(14) "**Instruction permit**" includes both motor vehicle instruction permits and motorcycle instruction permits.

(15) "**Motorcycle**" means any motor driven vehicle **that has a maximum speed that exceeds fifty (50) miles per hour, has** a seat or saddle for the use of the operator and designed to travel on not more than three

(3) wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. Only for purposes of registration "motorcycle" shall include a motor scooter, an alternative-speed motorcycle and an autocycle as defined in this section, but shall not include a tractor, or a moped as defined in this section.

- (16) "**Low-speed vehicle**" means a motor vehicle that
- (a) Is self-propelled using an electric motor, combination driven motor, or a combination thereof;
 - (b) Is four (4) wheeled; and
 - (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacturer.
- (17) "**Alternative-speed motorcycle**" means a motorcycle that:
- (a) Is self-propelled using an electric motor;
 - (b) Is three (3) wheeled;
 - (c) Has a fully enclosed cab and includes at least one door for entry; and
 - (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified by the manufacturer; and
 - (e) Is not an autocycle as defined in this section.
- (18) "**Multiple-vehicle driving range**" means an enclosed area that is not part of a highway or otherwise open to the public on which a number of motor vehicles may be used simultaneously to provide driver training under the supervision of one (1) or more driver training instructors.
- (19) "**Autocycle**" means any motor vehicle that:
- (a) Is equipped with a seat that does not require the operator to straddle or sit astride it;
 - (b) Is designed to travel on three (3) wheels in contact with the ground;
 - (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as certified by the manufacturer;
 - (d) Allows the operator and passenger to ride either side-by-side or in tandem in a seating area that may be enclosed with a removable or fixed top;
 - (e) Is equipped with a three (3) point safety belt system;
 - (f) May be equipped with manufacturer-installed air bags or a roll cage;
 - (g) Is designed to be controlled with a steering wheel and pedals; and
 - (h) Is not an alternative-speed motorcycle as defined in this section.
- (20) "**Military surplus vehicle**" means a multipurpose wheeled surplus military vehicle that:
- (a) Is not operated using continuous tracks;
 - (b) Was originally manufactured for and sold directly to the Armed Forces of the United States; and
 - (c) Was originally manufactured under the federally mandated requirements set forth in 49 C.F.R. sec. 571.7;

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- (24) "**Motor scooter**" means a low-speed motorcycle that is:
- (a) Equipped with wheels greater than sixteen (16) inches in diameter;
 - (b) Equipped with an engine greater than fifty (50) cubic centimeters;
 - (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
 - (d) Equipped with brake horsepower of two (2) or greater; and
 - (e) Equipped with a step-through frame or a platform for the operator's feet.

KRS 186A.080 Motor vehicles exempt from title and registration requirements

No Kentucky certificate of registration, license plate, or certificate of title need be applied for or obtained for:

- (1) A vehicle owned by the United States unless it is registered in this state;
- (2) A vehicle owned by a nonresident of this state, principally operated in another state, properly and currently registered and titled in another state;
- (3) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective lawful certificate of title has been issued in another state;
- (4) A vehicle moved solely by animal power;
- (5) An implement of husbandry;
- (6) Special mobile equipment;
- (7) A self-propelled wheelchair or invalid tricycle;

- (8) A pole trailer;
- (9) A motor vehicle engaged in the transportation of passengers for hire operating under a currently valid certificate of convenience and necessity; and
- (10) A moped; and
- (11) An electric low-speed scooter as defined in KRS 189.010.

KRS 189.010 Definitions for chapter

As used in this chapter:

- (1) "**Department**" means the Department of Highways.
- (2) "**Crosswalk**" means:
 - (a) That part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or
 - (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (3) "**Highway**" means any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them and includes private residential roads and parking lots covered by an agreement under KRS 61.362, off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700.
- (4) "**Intersection**" means:
 - (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another, but do not necessarily continue, at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or
 - (b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of the highways shall be regarded as a separate intersection. The junction of a private alley with a public street or highway shall not constitute an intersection.
- (5) "**Manufactured home**" has the same meaning as defined in KRS 186.650.
- (6) "**Motor truck**" means any motor-propelled vehicle designed for carrying freight or merchandise. It shall not include self-propelled vehicles designed primarily for passenger transportation but equipped with frames, racks, or bodies having a load capacity of not exceeding one thousand (1,000) pounds.
- (7) "**Operator**" means the person in actual physical control of a vehicle.
- (8) "**Pedestrian**" means any person afoot or in a wheelchair.
- (9) "**Right-of-way**" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (10) "**Roadway**" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any roadway separately but not to all such roadways collectively.
- (11) "**Safety zone**" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (12) "**Semitrailer**" means a vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, intended for the carrying of freight or merchandise and having a load capacity of over one thousand (1,000) pounds.
- (13) "**Truck tractor**" means any motor-propelled vehicle designed to draw and to support the front end of a semitrailer. The semitrailer and the truck tractor shall be considered to be one (1) unit.
- (14) "**Sharp curve**" means a curve of not less than thirty (30) degrees.
- (15) "**State Police**" includes any agency for the enforcement of the highway laws established pursuant to law.
- (16) "**Steep grade**" means a grade exceeding seven percent (7%).
- (17) "**Trailer**" means any vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its own wheels, intended for the carriage of freight or merchandise and having a load capacity of over one thousand (1,000) pounds.

(18) "**Unobstructed highway**" means a straight, level, first-class road upon which no other vehicle is passing or attempting to pass and upon which no other vehicle or pedestrian is approaching in the opposite direction, closer than three hundred (300) yards.

(19)(a) "**Vehicle**" includes:

1. All agencies for the transportation of persons or property over or upon the public highways of the Commonwealth; and
2. All vehicles passing over or upon the highways.

(b) "**Motor vehicle**" includes all vehicles, as defined in paragraph (a) of this subsection except:

1. Road rollers;
2. Road graders;
3. Farm tractors;
4. Vehicles on which power shovels are mounted;
5. Construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways;
6. Vehicles that travel exclusively upon rails;
7. Vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; and
8. Vehicles propelled by muscular power; and
9. **Electric low-speed scooters.**

(20) "**Reflectance**" means the ratio of the amount of total light, expressed in a percentage, which is reflected outward by the product or material to the amount of total light falling on the product or material.

(21) "**Sunscreening material**" means a product or material, including film, glazing, and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduces the effects of the sun with respect to light reflectance or transmittance.

(22) "**Transmittance**" means the ratio of the amount of total light, expressed in a percentage, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.

(23) "**Window**" means any device designed for exterior viewing from a motor vehicle, except the windshield, any roof-mounted viewing device, and any viewing device having less than one hundred fifty (150) square inches in area.

(24) "**All-terrain vehicle**" means any motor vehicle used for recreational off-road use;

(25) "**Nondivisible load**", as pertains to state highways that are not part of the national truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle, that if separated into smaller loads or vehicles:

- (a) Compromises the intended use of the vehicle, making it unable to perform the function for which it was intended;
- (b) Destroys the value of the load or vehicle, making it unusable for its intended purpose; or
- (c) Requires more than four (4) work hours to dismantle and reassemble using appropriate equipment, and

(26) "**Electric low-speed scooter**" means a device that:

- (a) Weighs less than one hundred (100) pounds;
- (b) Is equipped with two (2) or three (3) wheels;
- (c) Is equipped with handlebars;
- (d) Is equipped with a brake adequate enough to stop and park the device;
- (e) Is equipped with a floorboard designed for the operator to stand upon while operating the scooter;
- (f) Is propelled by an electric motor, human power, or both; and
- (g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a paved level surface, with or without human propulsion.

(27) "**Highway work zone**" means that lane or portion of a state-maintained highway open to vehicular traffic and the affected area adjacent to a lane, berm, or shoulder of a state-maintained highway upon which construction, reconstruction, resurfacing, maintenance, inspection, or other work of that nature is being conducted.

KRS 189.050 Rear, side, and clearance lights and lanterns

1, 2, 5 Penalty: KRS 189.990(1)

3, 4 **Penalty:** KRS 189.990(2) (c)

- (1) All motor vehicles shall display at the rear two (2) red lights visible when lighted for at least five hundred (500) feet, unless the motor vehicle was originally equipped with one (1) such light.
- (2) A person shall not operate any motor truck or semitrailer truck on any highway unless it is equipped with a red light that automatically indicates the application of brakes and is visible from the rear a distance of not less than five hundred (500) feet.
- (3) No person shall operate on any highway a motor truck or semitrailer truck having a width of any part in excess of eighty-four (84) inches, unless it carries at least two (2) clearance lights to indicate the outside left limit of the motor truck or semitrailer truck, one (1) light colored white, to be attached to and be visible from the front of the motor truck or semitrailer truck, and two (2) lights colored red, to be attached to and be visible from the rear, in each case a distance of not less than five hundred (500) feet.
- (4) When in operation on any highway slow-moving or motorless vehicles, except bicycles and electric low-speed scooters, shall have at least one (1) light on the left side of the vehicle whether from the front or rear, showing white and of sufficient power to reveal clearly the outline of the left side of the vehicle and in such a manner that the outline may be observed clearly by approaching vehicles from a distance of at least five hundred (500) feet.
- (5) When in operation between sunset and sunrise on any highway, motorless vehicles, except bicycles and electric low-speed scooters, shall have in operation:
 - (a) A four (4) way flasher system, with two (2) flashing yellow or amber lights visible from the front of the vehicle for a distance of at least five hundred (500) feet and two (2) flashing red lights visible from the rear of the vehicle for a distance of at least five hundred (500) feet; or
 - (b) Two (2) reflective lanterns, one (1) on either side of the rear of the vehicle, showing white to the front of the vehicle and red to the rear of the vehicle, with the lantern on the left side of the vehicle situated at least twelve (12) inches higher than the lantern on the right.

KRS 189.2327 Doubling of fines in highway work zone – Highway work zone safety fund

- (1) Subject to the requirements of subsection (2) of this section, if a violation of KRS 189.290 to 189.580 or KRS 189.910 to 189.960 occurred in a highway work zone, the fine established under Section 3 of this Act, KRS 189.990, or KRS 189.993 shall be doubled.
- (2) In order for a fine to be doubled under this section, the highway work zone must have:
 - (a) Signs displayed informing drivers of the existence of a highway work zone and that fines are doubled in it; and
 - (b) At least one (1) bona fide worker present.
- (3) All fines collected for violations in a highway work zone under subsection (1) of this section shall be deposited into a separate trust and agency account within the Transportation Cabinet known as the "Highway Work Zone Safety Fund." The highway work zone safety fund shall be used exclusively by the Transportation Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway work zones.

KRS 189.2851 Operation, titling, registration, and insuring of motor scooters – Headgear requirements

- (1) As used in this section, "motor scooter" has the same meaning as in KRS 186.010.
- (2) A person may operate a motor scooter on a highway if the operator has a valid motorcycle operator's license or motorcycle instructional permit in his or her possession.
- (3) A motor scooter operating on a highway is considered to be a motorcycle as defined in KRS 186.010 and shall be titled in accordance with KRS Chapter 186A and registered as a motorcycle in accordance with KRS 186.050(2).
- (4) A motor scooter operating on a highway shall be insured in compliance with KRS 304.39-110 by the owner or operator, and the proof of insurance shall be in possession of the operator at all times of operation on a highway.
- (5) A person operating a motor scooter on a highway shall comply with the traffic regulations of this chapter, meet the same equipment standards as those for motorcycles in this chapter, and shall be subject to the provisions of KRS Chapter 189A.

- (6) A person operating a motor scooter shall be subject to the protective headgear requirements of KRS 189.285.

**KRS 189.286 Local government may permit operation of golf cart on public roadway
-- Ordinance – Qualifications for operation – Exemption from title, registration, and
emissions compliance requirements – Preemption by Transportation Cabinet**

- (1) As used in this section:
- (a) “Golf cart” means any self-propelled vehicle that:
1. Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;
 2. Has a minimum of four (4) wheels;
 3. Is designed to operate at a speed of not more than thirty-five (35) miles per hour;
 4. Is designed to carry not more than six (6) persons including the driver;
 5. Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;
 6. Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds; and
 7. Is equipped with the following:
 - a. Headlamps;
 - b. Tail lamps;
 - c. Stop lamps;
 - d. Front and rear turn signals;
 - e. One (1) red reflex reflector on each side as far to the rear as practicable, and one (1) red reflex reflector on the rear;
 - f. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
 - g. A parking brake;
 - h. For each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209; and
 - i. A horn that meets the requirements of KRS 189.080; and
- (b) “Local government” means a city, county, charter county government, urban- county government, consolidated local government, unified local government, or a special district.
- (2) The governing body of a local government may authorize and regulate the operation of a golf cart on any public roadway under its jurisdiction if the local government adopts an ordinance specifying each roadway that is open for golf cart use.
- (3) An ordinance created under subsection (2) of this section shall require that a golf cart operated on a designated public roadway;
- (a) Be issued a permit for the golf cart by the local government;
 - (b) Display a sticker or permit that identifies that the golf cart is allowed to be operated on specific roadways within the local government; and
 - (c) Be inspected by a certified inspector designated by the county sheriff and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this paragraph shall not exceed five dollars (\$5) with an additional fee not to exceed ten dollars (\$10) per trip charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to the sheriff's inspection area.
- (4) A person may operate a golf cart on a public roadway pursuant to subsection (2) of this section if:
- (a) The posted speed limit of the designated public roadway is thirty-five miles per hour or less;
 - (b) The operator of the golf cart does not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour;
 - (c) The operator has a valid operator's license in his or her possession;
 - (d) The golf cart is being operated between sunrise and sunset; and
 - (e) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.

- (5) A golf cart operating on a public roadway under subsection (2) of this section shall be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.
- (6) Any person operating a golf cart on a public roadway under the provisions of this section shall be subject to the traffic regulation of KRS Chapter 189.
- (7) A golf cart operating on a public roadway designated by a local government under subsection (2) of this section is not considered to be a motor vehicle and is exempt from:
 - (a) Title requirements of KRS 186.020;
 - (b) Vehicle registration requirements of KRS 186.050; and
 - (c) Emissions compliance certificates pursuant to KRS 224-20.720.
- (8) A local government may adopt more stringent local ordinances governing golf cart safety equipment and operation than specified in this section.
- (9) The Transportation Cabinet may prohibit the operation of a golf cart on a public roadway designated under subsection (2) of this section that crosses a state-maintained highway under its jurisdiction if it determines that such prohibition is necessary in the interest of public safety.
- (10) The provisions of this section shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

KRS 189.289 Operation of electric low-speed scooter on highway, bicycle lane, or bicycle path

- (1) A person sixteen (16) years of age or older, may operate an electric low-speed scooter on a highway, bicycle lane, or bicycle path.
- (2) A person operating an electric low-speed scooter under this section shall be subject to traffic regulations outlined in this chapter, and the provisions of KRS 189.520.
- (3) An electric low-speed scooter shall be equipped with and shall have illuminated, at least one (1) headlamp and at least one (1) rear red light when:
 - (a) Operated during the period from one-half (1/2) hour after sunset to one half (1/2) hour before sunrise; or
 - (b) At such other times as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period.
- (4) An electric low-speed scooter may be parked on a sidewalk in a manner that does not impede the reasonable movement of pedestrian or any other traffic.
- (5) An operator of an electric low-speed scooter and any company or entity that provides electric low-speed scooters for rental, shall comply with all local government ordinances.
- (6) The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish safe operating standards for electric low-speed scooters. Administrative regulations established under this section shall not include any equipment or helmet use requirements.

KRS 189.340 Overtaking vehicles – Traffic lanes – Following vehicles

Penalty: KRS 189.990(1)

- (1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. Vehicles overtaking streetcars may pass either to the right or left when so directed by a police officer, when on a one (1) way street or where the location of the tracks prevents compliance with this section, with regard for other traffic.
- (2) (a) Vehicles overtaking a bicycle **or electric low-speed scooter** proceeding in the same direction shall:
 1. If there is more than one (1) lane for traffic proceeding in the same direction, move the vehicle to the immediate left, if the lane is available and moving in the lane is reasonably safe; or
 2. If there is only one (1) lane for traffic proceeding in the same direction, pass to the left of the bicycle **or an electric low-speed scooter** at a distance of not less than three (3) feet between any portion of the vehicle and the bicycle or an electric low-speed scooter and maintain that distance until safely past the overtaken bicycle or electric low-speed scooter. If space on the roadway is not available to have a minimum distance of three (3) feet between the vehicle and the bicycle **or electric low-speed scooter**, then the driver of the passing vehicle shall use reasonable caution in passing the bicyclist or electric low-speed scooter operator.
- (b) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no-passing zone is marked in accordance with subsection (6) of this section, to pass a person

operating a bicycle or electric low-speed scooter only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle or electric low-speed scooter safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of the roadway when otherwise prohibited under state law.

- (c) The operator of a bicycle or electric low-speed scooter shall not ride more than two (2) abreast on a single highway lane unless operating on any part of the roadway marked exclusively for bicycle use. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic.
- (3) The operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - (a) When the vehicle overtaken is making or about to make a left turn;
 - (b) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (4) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movements in safety. Such movement shall not be made by driving off the roadway unless passing vehicle comes to a complete stop and such movement may be made safely.
- (5) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within two hundred (200) feet of any vehicle approaching from the opposite direction.
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- (7) Whenever any roadway has been divided into three (3) clearly marked lanes for travel, the following additional rules shall apply:
 - (a) A vehicle shall be driven as nearly as may be practical entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety;
 - (b) A vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where a center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and is signposted to give notice of the allocation;
 - (c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and operators of vehicles shall obey the directions of such signs.
- (8) A vehicle shall not be driven in the left lane of any limited access highway of four (4) lanes or more with a posted speed limit of at least sixty-five (65) miles per hour, except in overtaking a slower vehicle, yielding to traffic coming onto such a highway or when traffic conditions exist which would prohibit safe use of the right or center lanes.
- (9) (a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and condition of the highway.
 - (b) The operator of any motor truck, semitrailer truck, bus or heavy construction equipment unit when traveling upon a highway outside of a business or residential district shall not follow within two hundred fifty (250) feet of another such vehicle or equipment unit. This subsection shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks or semitrailer trucks, buses or heavy construction equipment units.

KRS 189.390 Speed – Secretary authorized to increase speed limit in certain areas by official order - Parking

Penalty: KRS 189.990(1)

- (1) As used in this section, unless the context requires otherwise:
 - (a) "**Business district**" means the territory contiguous to and including a highway if, within six hundred (600) feet along the highway, there are buildings in use for business or industrial purposes that

occupy three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;

- (b) **"Residential district"** means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is improved with residences or residences and buildings in use for business; and
 - (c) **"State highway"** means a highway or street maintained by the Kentucky Department of Highways.
- (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.
- (3) The speed limit for motor vehicles on state highways shall be as follows, unless conditions exist that require lower speed for compliance with subsection (2) of this section, or the secretary of the Transportation Cabinet establishes a different speed limit in accordance with subsection (4) of this section:
- (a) Sixty-five (65) miles per hour on interstate highways, and parkways;
 - (b) Fifty-five (55) miles per hour on all other state highways; and
 - (c) Thirty-five (35) miles per hour in a business or residential district.
- (4) (a) If the secretary of transportation determines, upon the basis of an engineering and traffic investigation, that any speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of sixty-five (65) miles per hour, except that, notwithstanding the provisions of subsection (3)(a) of this section, the secretary may increase the speed limit on any of the following segments of highway to seventy (70) miles per hour:
- 1. Interstate 24 (entire length);
 - 2. Interstate 64 from Interstate 264 to the West Virginia state line;
 - 3. Interstate 65 from Interstate 264 to the Tennessee state line;
 - 4. Interstate 69 (entire length);
 - 5. Interstate 71 from Interstate 264 to Interstate 275;
 - 6. Interstate 75 from the Tennessee state line to Interstate 275;
 - 7. Interstate 165 (entire length);
 - 8. The Audubon Parkway (entire length);
 - 9. The Julian M. Carroll Purchase Parkway (entire length);
 - 10. The Bert T. Combs Mountain Parkway (entire length);
 - 11. The Bert T. Combs Mountain Parkway Extension (entire length);
 - 12. The Edward T. Breathitt Pennyrite Parkway (entire length);
 - 13. The Wendell H. Ford Western Kentucky Parkway (entire length);
 - 14. The Louie B. Nunn Cumberland Parkway (entire length);
 - 15. The Martha Layne Collins Bluegrass Parkway (entire length); and
 - 16. The William H. Natcher Parkway (entire length).
- (b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and where posted. The Transportation Cabinet shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this paragraph shall be construed to prevent the Transportation Cabinet from using moveable or portable speed limit signs in highway work zones.

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- (6) The speed limit for motor vehicles in an off-street parking facility offered for public use, whether publicly or privately owned, shall be fifteen (15) miles per hour.
- (7) A person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.
- (8) In every charge for a violation of any speed limit specified in this section, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, and the lawful speed limit applicable at the location where the violation is charged to have occurred.

KRS 189.635 Vehicle accident reports by operators, law enforcement officers, and agencies – Availability to parties to accident and news-gathering organizations – Contracts with outside entities to provide vehicle's accident history and electronic access to reports – Administrative Regulations

Penalty: KRS 189.993(12)

- (1) The Justice Cabinet and Public Safety Cabinet, Department of State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to insure that uniform definitions, classifications, and other federal requirements are in compliance.
* * * * *
- (2) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or nonfatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction. In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, such responsibility shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.
- (3) Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a report of the accident with the Department of State Police within ten (10) days after investigation of the accident upon forms supplied by the department.
- (4) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding five hundred dollars (\$500) in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the Department of State Police within ten (10) days of occurrence of the accident upon forms provided by the department.
- (5) (a) All accident reports filed with the Department of State Police in compliance with subsection (4) above shall not be considered open records under KRS 61.870 to 61.884 and shall remain confidential except that the department may:
 1. Disclose the identity of a person involved in an accident when his identity is not otherwise known or when he denies his presence at an accident; and
 2. Make the reports available:
 - a. To the persons named in paragraph (c) of this subsection; and
 - b. In accordance with subsection (8) of this section.
- (b) All other accident reports required by this section, and the information contained in the reports, shall be confidential and exempt from public disclosure under KRS 61.870 to 61.884, except when:
 1. Produced pursuant to a properly executed subpoena or court order, or
 2. Disclosed as provided in this section.
- (c) Accident reports shall be made available to:
 1. The parties to the accident;
 2. The parents or guardians of a minor who is party to the accident;
 3. Insurers or their written designee for insurance business purposes of any party who is the subject of the report;
 4. The attorneys of the parties to the accident;
 5. Any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties; and
 6. The Department of Workplace Standards in the Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation.
- (6) (a) Except as provided for in paragraph (b) of this subsection, the department shall not release accident reports for a commercial purpose.
- (b) Notwithstanding any other provision of this section, the department may, as a matter of public safety, contract with an outside entity and release unredacted vehicle damage data extracted from accident reports to the entity if the data is used solely for the purpose of providing the public a means of determining a vehicle's accident history. The department may further contract with a third

- party to provide electronic access to reports for persons and entities who are entitled to the reports under subsection (5) of this section.
- (7) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set out a fee schedule for accident reports made available pursuant to subsections (5) and (8) of this section. These fees shall be in addition to those charged to the public for records produced under KRS Chapter 61.
- (8) (a) The report shall be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news. The news-gathering organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial purpose other than the news-gathering organization's publication or broadcasting of the information in the report.
- (b) For the purposes of this section:
1. "News-gathering organization" includes:
 - a. A newspaper or periodical if it:
 - i. Is published at least fifty (50) of fifty-two (52) weeks during a calendar year;
 - ii. Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar year; and
 - iii. Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices;
 - b. A television or radio station with a valid broadcast license issued by the Federal Communications Commission;
 - c. A news organization that broadcasts over a multichannel video programming service as defined in KRS 136.602;
 - d. A Web site published by or affiliated with any entity described in subdivision a., b., or c. of this subparagraph;
 - e. An online-only newspaper or magazine that publishes news or opinion of interest to a general audience and is not affiliated with any entity described in subparagraph 2. of this paragraph; and
 - f. Any other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group; and
 2. "News-gathering organization" does not include any product or publication with the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.
- (c) A news-gathering organization shall not be held to have used or knowingly allowed the use of the report for a commercial purpose merely because of its publication or broadcast. The report shall be made available without subpoena to any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties.
- (d) A request under this subsection[section] shall be completed using a form promulgated by the department through administrative regulations in accordance with KRS Chapter 13A. The form under this paragraph shall include:
1. The name and address of the requestor and the news-gathering organization the requestor represents;
 2. A statement that the requestor is a news-gathering organization under this subsection and identifying the specific subdivision of paragraph (b)1. of this subsection under which the requestor qualifies;
 3. A statement that the request is in compliance with the criteria contained in this section; and
 4. A declaration of the requestor as to the accuracy and truthfulness of the information provided in the request.
- (e) 1. The department shall redact all personal information from a report prior to making it available to a news-gathering organization as defined under paragraph (b)1.f. of this subsection.
2. Reports may be provided to news-gathering organizations as defined under paragraph (b)1.a. to e. of this subsection without redaction.
 3. For the purposes of this paragraph, "personal information" means:
 - a. The address, driver's license number, phone number, date of birth, and any other contact information contained in the report for each person listed on the report; and
 - b. The vehicle identification numbers (VINs) for each vehicle listed on the report.

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KRS 189.810 Definitions

- (1) "**Slow-moving vehicle**" includes farm machinery, including animal-drawn vehicles, highway construction and maintenance vehicles, and any other type of vehicle except bicycles and electric low-speed scooters, capable of a rate of speed no greater than twenty-five (25) miles per hour.
- (2) "**Slow-moving vehicle emblem**" consists of a fluorescent yellow-orange triangle with a dark red reflective border, as specified in American Society of Agricultural Engineers R276 or Society of Automotive Engineers J943 standards, or consisting of reasonably similar reflective qualities as specified in said standards.

KRS 189.999 Prepayment of fines subject to certain conditions

- (1) All offenses under this chapter classified as violations shall be prepayable except for:
 - (a) Any offense that could result in license suspension or revocation by the court or the Transportation Cabinet;
 - (b) Any offense relating to KRS 189.393, 189.520, or 189.580;
 - (c) When the defendant is speeding more than twenty-five (25) miles per hour over the posted speed limit under KRS 189.394;
 - (d) An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;
 - (e) The offense is cited with another offense that is not prepayable;
 - (f) When the defendant is under the age of eighteen (18); or
 - (g) An arrest is made under KRS 431.015.
- (2) In the event that a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.

KRS 218A.1412 Trafficking in controlled substance in first degree – Penalties

- (1) A person is guilty of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:
 - (a) Four (4) grams or more of cocaine;
 - (b) Two (2) grams or more of methamphetamine;
 - (c) Ten (10) or more dosage units of a controlled substance that is classified in Schedules I or II and is a narcotic drug or a controlled substance analogue;
 - (d) Any quantity of heroin, fentanyl, carfentanil, or fentanyl derivatives; lysergic acid diethylamide; phencyclidine; gamma hydroxybutyric acid (GHB), including its salts, isomers, salts of isomers and analogues; or flunitrazepam, including its salts, isomers, and salts of isomers; or
 - (e) Any quantity of a controlled substance specified in paragraph (a), (b), or (c) of this subsection in an amount less than the amounts specified in those paragraphs.
- (2) The amounts specified in subsection (1) of this section may occur in a single transaction or may occur in a series of transactions over a period of time not to exceed ninety (90) days that cumulatively result in the quantities specified in this section.
- (3)
 - (a) Any person who violates the provisions of subsection (1)(a), (b), (c), or (d) of this section shall be guilty of a Class C felony for the first offense and a Class B felony for a second or subsequent offense.
 - (b) Any person who violates the provisions of subsection (1)(e) of this section shall be guilty of a Class D felony for the first offense and a Class C felony for a second or subsequent offense.
 - (c) Any person convicted of a Class C felony offense or higher under this section shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed in cases where the trafficked substance was heroin, carfentanil, fentanyl, or fentanyl derivatives.

KRS 235.240 Prohibition of operation of boat negligently or while intoxicated or drugged –

Consent to test for alcohol or drugs – Elements of operation under influence of alcohol or other substance

Penalty: KRS 235.990(2)

* * * * *

- (2) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device while intoxicated or under the influence of any other substance which impairs one's driving ability.
- (3) Any person who operates a vessel upon the waters of the Commonwealth shall be deemed to have given consent to a test or tests as accepted by the state's evidentiary mandate for the purpose of determining the operator's alcohol concentration or the presence of other drugs. The test or tests shall be administered at the direction of a law enforcement officer who has probable cause to believe that the operator may have been violating this section.
- (4) For the purposes of enforcing subsection (2) of this section, the elements of the offense are those established in KRS 189A.010 (1) to (4), except that the penalties for this offense are set forth in KRS 235.990.

KRS 237.109 Authorization to carry concealed deadly weapons without a license

- (1) Persons age twenty-one (21) or older, and otherwise able to lawfully possess a firearm, may carry concealed firearms or other concealed deadly weapons without a license in the same locations as persons with valid licenses issued under KRS 237.110.
- (2) Nothing in this section shall be construed to allow the carrying or possession of any deadly weapon where it is prohibited by federal law.

KRS 237.115 Construction of KRS 237.110 – Prohibition by local government units of carrying concealed deadly weapons in governmental buildings – Restriction on criminal penalties

- (1) Except as provided in KRS 527.020, nothing contained in KRS 237.110 or KRS 237.109 shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any postsecondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them or the right of any unit of state, city, county, urban-county, or charter county government to prohibit the carrying of concealed deadly weapons in that portion of a building actually owned, leased, or occupied by that unit of government.
- (2) The legislative body of a state, city, county, or urban-county government may, by statute, administrative regulation, or ordinance, prohibit or limit the carrying of concealed deadly weapons in that portion of a building owned, leased, or controlled by that unit of government. That portion of a building in which the carrying of concealed deadly weapons is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute or ordinance shall exempt any building used for public housing by private persons, highway rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of deadly weapons. The statute, administrative regulation, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute or ordinance may be denied entrance to the building, ordered to leave the building, and if employees of the unit of government, be subject to employee disciplinary measures for violation of the provisions of the statute or ordinance. The provisions of this section shall not be deemed to be a violation of KRS 65.870 if the requirements of this section are followed. The provisions of this section shall not apply to any other unit of government.
- (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon with a permit at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried.

KRS 431.005 Arrest by peace officers – By private persons

- (1) A peace officer may make an arrest:
 - (a) In obedience to a warrant; or
 - (b) Without a warrant when a felony is committed in his or her presence; or
 - (c) Without a warrant when he or she has probable cause to believe that the person being arrested has committed a felony; or
 - (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been committed in his or her presence; or
 - (e) Without a warrant when a violation of KRS 189.290, 189.393, 189.520, 189.580, 511.080, or 525.070 has been committed in his or her presence, except that a violation of KRS 189A.010 or KRS 281A.210 need not be committed in his or her presence in order to make an arrest without a warrant if the officer has probable cause to believe that the person being arrested has violated KRS 189A.010 or KRS 281A.210; or
 - (f) Without a warrant when a violation of KRS 508.030 has occurred in a hospital without the officer's presence if the officer has probable cause to believe that the person being arrested has violated KRS 508.030. As used in this paragraph, "hospital" includes any property owned or used by a hospital as a parking lot or parking garage; or
 - (g) Without a warrant when a violation of subsection (2) of KRS 235.240 has occurred causing an accident, occurring outside of the peace officer's presence, involving a motorboat or vessel on the waters of the Commonwealth, and resulting in a physical injury or property damage, and a commissioned peace officer has probable cause to determine who the operator of the motorboat or vessel was and that operator was intoxicated or under the influence of any substance that impairs one's ability to operate the motorboat or vessel at the time of the accident.
- (2) (a) Any peace officer may arrest a person without warrant when the peace officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member, member of an unmarried couple, or another person with whom the person was or is in a dating relationship.
 - (b) As used in this subsection, "dating relationship," "family member," and "member of an unmarried couple" have the same meanings as defined in KRS 403.720 and 456.010.
 - (c) For the purpose of this subsection, the term "member of an unmarried couple" has the same meaning as set out in KRS 403.720(4).

EDITOR'S NOTE: The Kentucky Court of Appeals ruled that "member of an unmarried couple" includes same sex couples, but not roommates unless engaged in an intimate (i.e., sexual) relationship. Ireland v. Davis, 957 S.W.2d 310 (Ky Ct. App. 1997).
- (3) A peace officer may arrest a person without warrant when the peace officer has probable cause to believe that the person is a sexual offender who has failed to comply with the Kentucky Sex Offender Registry requirements based upon information received from the Law Information Network of Kentucky.
- (4) For purposes of subsections (2) and (3) of this section, a "peace officer" is an officer certified pursuant to KRS 15.380.
- (5) If a law enforcement officer has probable cause to believe that a person has violated a condition of release imposed in accordance with KRS 431.064 and verifies that the alleged violator has notice of the conditions, the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.
- (6) A private person may make an arrest when a felony has been committed in fact and he has probable cause to believe that the person being arrested has committed it.
- (7) If a law enforcement officer has probable cause to believe that a person has violated a restraining order issued under KRS 508.155, then the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.

KRS 507.040 Manslaughter in the second degree

- (1) A person is guilty of manslaughter in the second degree when he wantonly causes the death of another person, including, but not limited to, situations where the death results from the person's:
 - (a) Operation of a motor vehicle;
 - (b) Leaving a child under the age of eight (8) years in a motor vehicle under circumstances which manifest an extreme indifference to human life and which create a grave risk of death to the child, thereby causing the death of the child; or
 - (c) Unlawful distribution for remuneration of a Schedule I or II controlled substance when the controlled substance is the proximate cause of death.
- (2) Manslaughter in the second degree is a Class C felony.

KRS 508.078 Terroristic threatening in the second degree

- (1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075 he or she intentionally:
 - (a) With respect to any scheduled, publicly advertised event open to the public, any place of worship, or any school function, threatens to commit any act likely to result in death or serious physical injury to any person at a scheduled, publicly advertised event open to the public, any person at a place of worship, or any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school-sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons at a scheduled publicly advertised event open to the public, place of worship, or school does not need to identify a specific person or persons or school in order for a violation of this section to occur;
 - (b) Makes false statements by any means, including by electronic communication, for the purpose of:
 1. Causing evacuation of a school building, school property, or school sanctioned activity;
 2. Causing cancellation of school classes or school sanctioned activity; or
 3. Creating fear of serious bodily harm among students, parents, or school personnel;
 - (c) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or
 - (d) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS.508.075.
- (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.
- (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.
- (4) Except as provided in subsection (5) of this section, terroristic threatening in the second degree is a Class D felony.
- (5) Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

KRS 508.170 Strangulation in the first degree

- (1) A person is guilty of strangulation in the first degree when the person, without consent, intentionally impedes the normal breathing or circulation of the blood of another person by:
 - (a) Applying pressure on the throat or neck of the other person; or

- (b) Blocking the nose or mouth of the other person.
- (2) Strangulation in the first degree is a Class C felony.

KRS 508.175 Strangulation in the second degree

- (1) A person is guilty of strangulation in the second degree when the person, without consent, wantonly impedes the normal breathing or circulation of the blood of another person by:
 - (a) Applying pressure on the throat or neck of the other person; or
 - (b) Blocking the nose or mouth of the other person.
- (2) Strangulation in the second degree is a Class D felony.

KRS 511.100 Trespass upon key infrastructure assets

- (1) As used in this section:
 - (a) "Key infrastructure assets" means:
 - 1. Any critical node of a system used in the production or generation of electrical energy;
 - 2. A petroleum refinery;
 - 3. A rubber or hazardous chemical manufacturing facility;
 - 4. A petroleum or hazardous chemical storage facility or terminal;
 - 5. Natural gas processing, fractionation, stabilization, and compressor station facilities, as well as above-ground pipelines and related facilities;
 - 6. Railroad yards and railroad tunnel portals;
 - 7. A drinking water collection, treatment, or storage facility;
 - 8. Grounds or property of a state prison, juvenile justice facility, jail, or other facility for the detention of persons charged with or convicted of crimes;
 - 9. A facility used for research, development, design, production, delivery, or maintenance of military weapons systems, subsystems, and components or parts to meet military requirements of the United States; or
 - 10. A wireless communications facility, including the tower, antennae, support structures and all associated ground-based equipment, and a telecommunications central switching office; and
 - (b) "Unmanned aircraft system" means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
- (2) (a) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property on which key infrastructure assets are located.
- (b) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly uses, or retains or authorizes a person to use, an unmanned aircraft system to fly above real property on which key infrastructure assets are located with the intent to cause harm or damage to or conduct surveillance of the key infrastructure asset without the prior consent of the owner, tenant, or lessee of the real property.
- (3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.
- (4) This section does not apply to:
 - (a) An unmanned aircraft system used by the federal government or by the Commonwealth, or by a person acting pursuant to a contract with the federal government or the Commonwealth;
 - (b) An unmanned aircraft system used by:
 - 1. The owner of the real property or key infrastructure asset;
 - 2. A person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right granted by the owner of the real property or key infrastructure asset; or
 - 3. A third party who is retained or authorized by a person specified in subparagraph 1. or 2. of this paragraph;
 - (c) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous material response team, disaster management

- agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose;
- (d) Operation of an unmanned aircraft system by a person or entity for a commercial purpose in compliance with applicable Federal Aviation Administration authorization, regulations, or exemptions.
- (e) A satellite orbiting the earth;
- (f) An unmanned aircraft system used by an insurance company or a person acting on behalf of an insurance company for purposes of underwriting an insurance risk or investigating damage to insured property; or
- (g) An unmanned aircraft system used strictly in accordance with an order of a court of competent jurisdiction.

KRS 524.140 Disposal of evidence that may be subject to DNA testing – Motion to destroy – Liability for destruction –Penalty – Retention of biological material

(1) As used in this section:

(a) **"Biological evidence"** means:

- 1. The contents of a sexual assault evidence collection kit; or
- 2. Any item, or representative sample taken from an item, that contains blood, saliva, sperm, hair, tissue, bones, teeth, or other bodily fluids that was collected as part of a criminal investigation and that reasonably may be used to incriminate or exculpate any person from an offense or delinquent act;

(b) **"Defendant"** means a person charged with a:

- 1. Capital offense, Class A felony, Class B felony, or Class C felony; or
- 2. Class D felony under KRS Chapter 510; and

(c) **"Following trial"** means after:

- 1. The first appeal authorized by the Constitution of Kentucky in a criminal case has been decided; or
- 2. The time for the first appeal authorized by the Constitution of Kentucky in a criminal case has lapsed without an appeal having been filed.

(2) No item of **biological** evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to assist federal, state, and local criminal justice and law enforcement agencies within and outside the Commonwealth in the identification, detection, or exclusion of individuals who are subjects of investigation or prosecution, or to confirm the guilt or innocence of a criminal defendant shall be disposed of prior to a **criminal** trial unless:

(a) The evidence has been in custody not less than fifty (50) years; or

(b) The evidence has been in custody not less than ten (10) years; and

- 1. The prosecution has determined that the defendant will not be tried for the criminal offense; and
- 2. The prosecution has made a motion before the court in which the case would have been tried to destroy the evidence.

(3) No item of **biological** evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to confirm the guilt or innocence of a criminal defendant shall be disposed of following the trial unless:

(a) The evidence, together with DNA evidence testing and analysis results, has been presented at the trial, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial;

(b) The evidence was not introduced at the trial, or if introduced at the trial was not the subject of DNA testing and analysis, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial, and the trial court has ordered the destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant;

(c) The trial resulted in the defendant being found not guilty or the charges were dismissed after jeopardy attached, whether or not the evidence was introduced at the trial or was subject to DNA testing and analysis or not, and the trial court ordered the destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant; or

- (d) The trial resulted in the dismissal of charges against the defendant, and the defendant may be subject to retrial, in which event the evidence shall be retained until after the retrial, which shall be considered a new trial for the purposes of this section.
- (4) The burden of proof for a motion to destroy biological evidence that may be subject to DNA testing and analysis shall be upon the party making the motion, and the court may permit the destruction of the evidence under this section upon good cause shown favoring its destruction.
- (5) It is recognized by the General Assembly that the DNA evidence laboratory testing and analysis procedure consumes and destroys a portion of the evidence or may destroy all of the evidence if the sample is small. The consuming and destruction of evidence during the laboratory analysis process shall not result in liability for its consumption or destruction if the following conditions are met:
 - (a) The Kentucky State Police laboratory uses a method of testing and analysis which preserves as much of the biological material or other evidence tested and analyzed as is reasonably possible; or
 - (b) If the Kentucky State Police laboratory knows or reasonably believes that the entire sample of evidence to be tested and analyzed that the laboratory, prior to the testing or analysis of the evidence, notifies in writing the court which ordered the testing and analysis and counsel for all parties:
 - 1. That the entire sample of evidence may be destroyed by the testing and analysis;
 - 2. The possibility that another laboratory may be able to perform the testing and analysis in a less destructive manner with at least equal results;
 - 3. The name of the laboratory capable of performing the testing and analysis, the costs of testing and analysis, the advantages of sending the material to that other laboratory, and the amount of biological material or other evidence which might be saved by alternative testing and analysis; and
 - 4. The Kentucky State Police laboratory follows the directive of the court with regard to the testing and analysis; or
 - (c) If the Kentucky State Police laboratory knows or reasonably believes that so much of the biological material or evidence may be consumed or destroyed in the testing and analysis that an insufficient sample will remain for independent testing and analysis that the laboratory follows the procedure specified in paragraph (b) of this subsection.
- (6) Destruction of evidence in violation of this section shall be a violation of KRS 524.100.
- (7) Subject to KRS 17.172(9), the appropriate governmental entity shall retain any biological material secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case. The governmental entity shall have the discretion to determine how the evidence is retained pursuant to this section, provided that the evidence is retained in a condition suitable for DNA testing and analysis

KRS 525.120 Abuse of a corpse

- (1) A person is guilty of abuse of a corpse when except as authorized by law he intentionally treats a corpse in a way that would outrage ordinary family sensibilities. A person shall also be guilty of abuse of a corpse if that person enters into a contract and accepts remuneration for the preparation of a corpse for burial or the burial or cremation of a corpse and then deliberately fails to prepare, bury, or cremate that corpse in accordance with that contract.
- (2) Abuse of a corpse is a Class D felony.

KRS 525.137 Sexual crimes against an animal

- (1) As used in this section:
 - (a) "Animal" means any nonhuman creature; and
 - (b) "Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving:
 - 1. Contact between the sex organs or anus of one (1) and the mouth, sex organs, or anus of another;
 - 2. The insertion of any part of the animal's body into the vaginal or anal opening of the person; or

3. The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal without a bona fide veterinary or animal husbandry purpose.
- (2) A person is guilty of sexual crimes against an animal if he or she:
 - (a) Engages in sexual contact with an animal;
 - (b) Advertises, solicits, offers, or accepts the offer of an animal, or possesses, purchases, or otherwise obtains an animal, with the intent that the animal be subject to sexual contact; or
 - (c) Causes, aids, or abets another person to engage in sexual contact with an animal.
- (3) Sexual crimes against an animal is a Class D felony.
- (4) Nothing in this section shall apply to:
 - (a) Accepted veterinary practices;
 - (b) Artificial insemination of an animal for reproductive purposes;
 - (c) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal; or
 - (d) Generally accepted practices related to the judging of breed conformation.

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KRS 527.020 Carrying concealed deadly weapon

- (1) A person is guilty of carrying a concealed weapon when he carries concealed a firearm or other deadly weapon on or about his person in violation of this section.
- (2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.
- (3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, conservation officers of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.
- (4) Persons, carrying concealed weapons in accordance with KRS 237.109 or licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a concealed firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of KRS 237.109 or KRS 237.110. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or private, shall prohibit a person from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.109, KRS 237.110 and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.
- (5) (a) The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without limitation other than as provided in this subsection:
 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
 2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
 3. A county attorney or assistant county attorney;
 4. A retired county attorney or retired assistant county attorney;
 5. A justice or judge of the Court of Justice;
 6. A retired or senior status justice or judge of the Court of Justice; and
 7. A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of

a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

- (c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Kentucky State Police.
- (6) (a) Except as provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:
 - 1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;
 - 2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer;
 - 3. The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (7) (a) A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction. This subsection shall not apply to any person prohibited from possessing a firearm pursuant to KRS 527.040.
- (9) The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person:
 - (a) If he or she is the owner of the property or has the permission of the owner of the property, on real property which he or she or his or her spouse, parent, grandparent, or child owns;

- (b) If he or she is the lessee of the property or has the permission of the lessee of the property, on real property which he or she or his or her spouse, parent, grandparent, or child occupies pursuant to a lease; or
 - (c) If he or she is the sole proprietor of the business, on real property owned or leased by the business.
- (10) Carrying a concealed weapon is a Class A misdemeanor unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used or displayed in which case it is a Class D felony.

KRS 527.070 Unlawful possession of a weapon on school property – Posting of sign - Exemptions

(1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.

(2) Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.

Failure to post the sign shall not relieve any person of liability under this section.

(3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:

- (a) An adult **who is not a pupil of any secondary school and** who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;
- (b) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;
- (c) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;
- (d) Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;
- (e) Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;
- (f) Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;
- (g) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;
- (h) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or
- (i) A person possessing guns or knives when conducting or attending a "gun and knife show" when the program has been approved by the board of education or board of trustees of the educational institution.

(4) Unlawful possession of a weapon on school property is a Class D felony.

KRS 620.020 Definitions for chapter

The definitions in KRS Chapter 600 shall apply to this chapter. In addition, as used in this chapter, unless the context requires otherwise:

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(4) "**Children's advocacy center**" means an agency that advocates on behalf of children alleged to have been abused; that assists in the coordination of the investigation of child abuse by providing a location for forensic interviews and medical examinations, and by promoting the coordination of services for children alleged to have been abused; and that provides, directly or by formalized agreements, services that include, but are not limited to, forensic interviews, medical examinations, mental health and related support services, court advocacy, consultation, training, and staffing of multidisciplinary teams;

(5) "**Foster care**" means the provision of temporary twenty-four (24) hour care for a child for a planned period of time when the child is:

- (a) Removed from his parents or person exercising custodial control or supervision and subsequently placed in the custody of the cabinet; and
- (b) Placed in a foster home or private child-caring facility or child-placing agency but remains under the supervision of the cabinet;

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(7) "**Multidisciplinary teams**" means local teams operating under protocols governing roles, responsibilities, and procedures developed by the Kentucky Multidisciplinary Commission on Child Sexual Abuse pursuant to KRS 431.600;

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(10) "**Position of Authority**" has the same meaning as in KRS 532.045;

(11) "**Position of special trust**" has the same meaning as in KRS 532.045;

* * * * *

(13) "**Reasonable efforts**" means the exercise of ordinary diligence and care by the department to utilize all preventive and reunification services available to the community in accordance with the state plan for Public Law 96-272 which are necessary to enable the child to safely live at home;

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KRS 620.030 Duty to report dependency, neglect or abuse – Husband-wife and professional-client/patient privileges not grounds for refusal to report – Exceptions - Penalties

Penalty: KRS 620.990(1)

(1) Any person who knows or has reasonable cause to believe that a child is **dependent, neglected or abused** shall immediately cause an oral or written report to be made to a local law enforcement agency or the Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney or the county attorney, by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect or abuse shall promptly make a report to the proper authorities for investigation. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian, **fictive kin, person in position of authority, person in position of special trust,** or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report.

(2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected or abused, regardless of whether the person believed to have caused the dependency, neglect or abuse is a parent, guardian, **fictive kin, person in a position of authority, person in a position of special trust,** person exercising custodial control or supervision or another person, or who has attended such child as a part of his professional duties shall, if requested, in addition to the report required in subsection (1) or (3) of this section, file with the local law enforcement agency or the Kentucky State Police, **the cabinet or its**

designated representative, or the Commonwealth's attorney or county attorney within forty-eight (48) hours of the original report a written report containing:

- (a) The names and addresses of the child and his parents or other persons exercising custodial control or supervision;
 - (b) The child's age;
 - (c) The nature and extent of the child's alleged dependency, neglect or abuse (including any previous charges of dependency, neglect or abuse) to this child or his siblings;
 - (d) The name and address of the person allegedly responsible for the abuse or neglect; and
 - (e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.
- (3) Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking as defined in KRS 529.010 shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; or the cabinet or its designated representative; or the Commonwealth's attorney or the county attorney; by telephone or otherwise. This subsection shall apply regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision.
- (4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.
- (5) The cabinet upon request shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his family, such cooperation, assistance and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.
- (6) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.
- (7) Any person who intentionally violates the provisions of this section shall be guilty of a:
- (a) Class B misdemeanor for the first offense;
 - (b) Class A misdemeanor for the second offense; and
 - (c) Class D felony for each subsequent offense.

KRS 620.040 Duties of prosecutor, police, and cabinet – Prohibition as to school personnel – Multidisciplinary teams

- (1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is a victim of human trafficking pursuant to subsection (3) of KRS 620.030, the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report unless they are the reporting source.
- (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk determined, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
- (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and holidays, make a written report to the Commonwealth's or county attorney and the local enforcement agency or Kentucky State Police concerning the action that has been taken on the investigation.
- (d) If the report alleges abuse or neglect by someone other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, or the human trafficking of a child, the cabinet shall immediately notify the Commonwealth's or county attorney and the local law enforcement agency or Kentucky State Police.

- (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and (2), the recipient shall immediately notify the cabinet or its designated representative.
 - (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
 - (c) The cabinet need not notify the local law enforcement agency or Kentucky State Police or county attorney or Commonwealth's attorney of reports made under this subsection unless the report involves the human trafficking of a child, in which case the notification shall be required.
- (3) If the cabinet or its designated representative receives a report of abuse by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or other person exercising custodial control or supervision of a child, it shall immediately notify the local law enforcement agency or Kentucky State Police and the Commonwealth's or county attorney of the receipt of the report and its contents and they shall investigate the matter. The cabinet or its designated representative shall participate in an investigation of noncustodial physical abuse or neglect at the request of the local law enforcement agency or the Kentucky State Police. The cabinet shall participate in all investigations of reported or suspected sexual abuse or human trafficking of a child.
- (4) School personnel or other persons listed in KRS 620.030(2) do not have the authority to conduct internal investigations in lieu of the official investigations outlined in this section.
- (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its designated representative cannot gain admission to the location of the child, a search warrant shall be requested from, and may be issued by, the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected, or abused. If, pursuant to a search under a warrant a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer.
 - (b) If a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he is returned to the persons having custody of him, the physician or hospital administrator may hold the child without court order, provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours.
 - (c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury, is being sexually abused, or is a victim of human trafficking and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order.
 - (d) When a law enforcement officer, hospital administrator, or physician takes a child into custody without the consent of the parent or other person exercising custodial control or supervision, he or she shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.
- (6) To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center.
- (7) (a) One (1) or more multidisciplinary teams may be established in every county or group of contiguous counties.
 - (b) Membership of the multidisciplinary team shall include, but shall not be limited to, social service workers employed by the Cabinet for Families and Children and law enforcement officers. Additional team members may include Commonwealth's and county attorneys, children's advocacy center staff, mental health professionals, medical professionals, victim advocates including advocates for victims of human trafficking, educators, and other related professionals, as deemed appropriate.
 - (c) The multidisciplinary team shall review child sexual abuse cases and child human trafficking cases involving commercial sexual activity referred by participating professionals, including those in which

the alleged perpetrator does not have custodial control or supervision of the child, or is not responsible for the child's welfare. The purpose of the multidisciplinary team shall be to review investigations, assess service delivery, and to facilitate efficient and appropriate disposition of cases through the criminal justice system.

* * * * *

- (f) Multidisciplinary team members and anyone invited by the multidisciplinary team to participate in a meeting shall not divulge case information, including information regarding the identity of the victim or source of the report. Team members and others attending meetings shall sign a confidentiality statement that is consistent with statutory prohibitions on disclosure of this information.
 - (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660, develop a local protocol consistent with the model protocol issued by the Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local team shall submit the protocol to the commission for review and approval.
 - (h) The multidisciplinary team review of a case may include information from reports generated by agencies, organizations, or individuals that are responsible for investigation, prosecution, or treatment in the case, KRS 610.320 to KRS 610.340 notwithstanding.
 - (i) To the extent practicable, multidisciplinary teams shall be staffed by the local children's advocacy center.
- (8) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.