

# NEW LAWS

## AFFECTING LAW ENFORCEMENT

/Steve Lynn, DOCJT Assistant General Counsel

The 2008 Regular Session of the Kentucky General Assembly adjourned sine die on April 15. The following bills of interest to law enforcement were passed during the session. At the time this article went to press, statute numbers had not yet been assigned by the Legislative Research Commission. Unless otherwise noted, all of the following bills will become effective on July 15, 2008.

### Senate Bill 13 — Closed Circuit Testimony of Child Victims

This bill expands the offenses for which trial testimony may be taken by closed circuit video from child victims to include violent offenses.

### Senate Bill 46 — Victim Impact Testimony

Senate Bill 46 amended KRS 421.500 and 532.055 to allow victim impact testimony from more than one family member of a deceased crime victim in the penalty phase of a criminal trial.

### Senate Bill 47 — Supplemental Health Insurance

Senate Bill 47 amends KRS 95.624 to allow retired police and firefighters of cities of the third class and their spouses to be provided supplemental health insurance if they are receiving Medicare benefits or are eligible to receive Medicare benefits as long as providing that insurance does not jeopardize the payment of obligations of the retirement fund of the city.

### Senate Bill 151 — Sex Abuse Victims' Polygraph Bill

This bill was passed in response to conditions imposed by the federal government on the receipt of grant funding for state programs for sex abuse victims. Under the provisions of Senate Bill 151, a police officer, constable, sheriff, deputy sheriff, Kentucky state police officer, county attorney, or commonwealth's attorney cannot request or require the victim of an alleged sexual offense to submit to a polygraph examination as a condition of proceeding with an investigation or prosecution of a case. Further, none of the officers or prosecutors listed above may threaten an alleged victim with prosecution for failure to submit to a polygraph examination.

### Senate Bill 159 — Quarantine Exception for K-9 Service Animals

This bill exempts properly vaccinated service animals under the control of a law enforcement agency and acting in the line of duty from being quarantined by an animal control officer for a 10-day period for biting a person.

### House Bill 106 — Scrap Metal Dealers

This bill was filed in response to the increasing thefts of copper and similar valuable metals to scrap metal dealers. Scrap metal dealers are now required to keep a register of every person from whom they make a purchase. The registry is to include a copy of a driver's license or photo identification card, license number of seller's vehicle, time and date of the transaction, description of the usage of the metal, and the amount paid. Upon request, the scrap metal dealer must permit any peace officer to inspect the registry and upon written request provide an electronic report to the sheriff or chief of police. The bill further creates the offenses of "Failure to maintain a registry of metals and objects containing metal," "Unlawful acts relating to purchase and disposition of metals," and "Providing fraudulent identification for the sale of metals."

### House Bill 168 — Operator's licenses of returning military personnel

House Bill 168 amends KRS 186.412 to clarify that a member of the military returning to the commonwealth from out-of-state duty, whose operator's license has expired while away, shall not be cited or convicted for driving on an expired license within 90 days of return to the state if the person can provide proof of out-of-state service and dates of assignment.

### House Bill 202 — Alcohol-vaporizing devices

This bill creates a new statute banning the sale, purchase or use of an alcohol-vaporizing device except by certain individuals and institutions and provides penalties for violation.

### House Bill 211 — Sex crimes

House Bill 211 amends KRS 510.110, relating to sexual abuse in the first degree, to prohibit any person over the age of 21 from subjecting

a minor under the age of 16 to sexual contact or engaging in masturbation in the minor's presence, and to prohibit a person in a position of authority or special trust from engaging in the same prohibited acts with a minor under the age of 18. The bill further amends KRS 510.120, relating to sexual abuse in the second degree, to prohibit any person who is 18 to 20 years old from subjecting another person who is less than 16 to sexual contact and create a defense when the accused and the other person are close in age and the sexual contact was otherwise consensual. The bill also amends KRS 620.030 to increase penalties for intentionally failing to report that a child is dependent, neglected or abused and amends KRS 500.050 to increase the criminal statute of limitations for misdemeanor sexual offenses when the victim is under the age of 18.

### House Bill 324 - Appointment of deputy coroners

This bill amends KRS 64.185 to allow coroners to appoint additional deputy coroners with the approval of the local legislative body of the county.

### House Bill 639 - Sale of confiscated weapons and purchase of Tasers

House Bill 639 directs the Kentucky State Police to sell confiscated firearms at auction and transfer proceeds to the Kentucky Office of Homeland Security. The KOHS is authorized to grant money to city, county, charter county, unified local government, urban-county government, and consolidated local government police departments, university safety and security departments, and sheriff's departments for the purpose of purchasing body armor, firearms or electronic control devices.

### House Bill 683 - DNA collection of felons

House Bill 683 mandates that any person who is convicted of a felony offense, adjudicated a public offender for committing a felony, or who is in the custody of the Department of Corrections, the Department

of Juvenile Justice, or a local or county jail for any felony offense, or is a registered sex offender shall have a DNA sample collected by authorized personnel. The bill further creates a criminal offense for any registered sex offender that knowingly refuses to provide a DNA sample. This bill was passed with an emergency clause and will take effect on July 1, 2008.

### House Bill 696 - Online Traffic Accident Reports

House Bill 696 amends KRS 189.635 to clarify that accident reports are not public records and allows a limited exemption to the prohibition on commercial distribution of accident reports to allow sharing with entities that collect vehicle accident data to give consumers a means of determining a vehicle's accident history. The bill further allows the Kentucky State Police to contract with an entity to provide electronic access to accident reports. Additionally, the bill provides that a copy of an accident report shall be available without subpoena to any party to litigation.

### House Bill 765 - Methamphetamine Lab Cleanup

House Bill 765 addresses the problems that many communities and individuals face in dealing with methamphetamine contaminated properties. This bill amends KRS 224.01-410 to permit the Environmental and Public Protection Cabinet to establish a tiered response system for methamphetamine-contaminated properties. The bill further requires local health departments to conduct the initial sampling of an inhabitable property site and request that a local or state law enforcement agency post a notice of quarantine on inhabitable properties. All contaminated properties must meet a Tier 1 cleanup response and property owners shall certify cleanup to the cabinet. Additionally, any owner of a contaminated property is required to disclose contamination prior to leasing, renting or selling property. The bill further creates criminal penalties for removing a methamphetamine contamination notice or leasing, renting or selling a contaminated property without written notice of the contamination. ➔

## THE LEGAL TRAINING SECTION

regularly adds material to the Department of Criminal Justice Training's Web site, including case law summaries and new, statutory law. See [www.docjt.ky.gov/legal/](http://www.docjt.ky.gov/legal/) for details. In addition, should your agency have a question with which we might be able to assist, please feel free to call us at **(859) 622-3801** or e-mail [docjt.legal@ky.gov](mailto:docjt.legal@ky.gov).