

New Legislation for 2010

The 2010 Regular Session of the Kentucky General Assembly adjourned on April 15. The following bills of interest to law enforcement were passed during the session. Unless otherwise noted, all of the following bills will become effective on July 15, 2010.

Senate Bill 17

This bill amends KRS 510.060 (Rape in the 3rd Degree), KRS 510.090 (Sodomy in the 3rd Degree), and KRS 510.120 (Sexual Abuse in the 2nd Degree) to prohibit certain persons employed by the Department of Corrections, Department of Juvenile Justice, or a detention facility from having sexual intercourse, deviate sexual intercourse, or engaging in sexual abuse with persons incarcerated, supervised, evaluated, or treated by those agencies.

Senate Bill 107

This bill defines “Salvia” or salvia divinorum and creates new misdemeanor offenses for trafficking, possession, and cultivation of salvia, amends statutes to prohibit trafficking in salvia, and amends KRS 218A.050 to make salvia a Schedule I controlled substance. The bill was passed as an emergency and took effect upon Gov. Steve Beshear’s signature.

House Bill 1

Also known as the “Amanda Ross Domestic Violence Prevention Act,” this bill authorizes a domestic violence order petitioner to request that the courts obtain a respondent’s criminal history and history of emergency protective orders or domestic violence orders. Under this bill, the court may restrain a respondent from going to or within a certain distance of specifically described places and from approaching within 500 feet of the petitioner. Upon a finding that a “substantial violation” of a domestic violence order has been committed, a petitioner can request and the court can order a respondent to wear a global positioning monitoring system or similar device in lieu of imprisonment. The bill further creates a new offense for removing, tampering, destroying, or failure to wear the device that is designated as a Class D felony. A Class A misdemeanor is created for domestic violence shelter trespass. Other provisions of the bill authorize the use of GPS for individuals on pretrial release, pretrial diversion, probation, or conditional discharge and requires the Justice and Public Safety Cabinet to provide training on domestic violence for all certified peace officers at least once every two years.

House Bill 79

This bill amends KRS 189.286 to remove mileage restrictions for use of golf carts on public roadways by governing bodies of local governments who have approved their use on roadways.

House Bill 265

This bill defines and creates new misdemeanor offenses for manufacture, possession, and trafficking in synthetic cannabinoid agonists or piperazines. Further, synthetic cannabinoid agonists or piperazines are classified as a Schedule I controlled substance. Additionally, KRS 189A.010 was amended to prohibit operating a motor vehicle while the presence of synthetic cannabinoid agonists or piperazines or certain other designated substances that may be detected in the blood. The bill was passed as an emergency and took effect upon Gov. Beshear’s signature on April 13.

House Bill 285

This bill amended KRS 15.334 to require the Kentucky Law Enforcement Council to approve mandatory training on pediatric abusive head trauma for all peace officers to be presented in law enforcement basic training and professional development training.

House Bill 415

This bill creates a new statute in KRS Chapter 189 that defines “personal communication device” and prohibits a person from writing, sending, or reading text messages, instant messages, or electronic mail using a personal communication device while operating a motor vehicle. It further creates a new statute in KRS Chapter 189 to prohibit a person under age 18 from operating a motor vehicle, motorcycle, or moped while using a personal communication device. Law enforcement officers are authorized to issue courtesy warnings to those violating these two new laws until January 1, 2011. Thereafter, a person will be fined \$25 for the first offense and \$50 for each subsequent offense.

House Resolution 25

House Resolution 25 was passed by the General Assembly to encourage cities of at least 25,000 citizens to include dementia training for police officers, emergency medical technicians, and firefighters; counties and sheriffs to include dementia training for emergency medical service providers and deputy sheriffs; and for the Kentucky State Police to provide similar training to its troopers.