

1 AN ACT relating to leave from employment for crime victims.

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

3 ➔Section 1. KRS 337.415 is amended to read as follows:

4 *(1) As used in this section:*

5 *(a) "Crime" means an offense designated by law as a felony or misdemeanor;*

6 *(b) "Immediate family" means the parent, stepparent, child, stepchild, sibling,*
7 *spouse, grandparent, or legal guardian of the victim or any person involved*
8 *in an intimate relationship and residing in the same household with the*
9 *victim; and*

10 *(c) "Victim" means any person who suffers direct or threatened physical,*
11 *emotional, psychological, or financial harm as a result of the commission*
12 *or the attempted commission of a crime. "Victim" also includes the*
13 *immediate family of any victim who is a minor or who is incompetent, or*
14 *the immediate family of a homicide victim.*

15 *(2) No employer shall discharge an employee for taking time off, as required by law, to*
16 *appear in any duly constituted local, state or federal court or duly constituted*
17 *administrative tribunal or hearing[if such employee, prior to taking such time off,*
18 *gives notice to the employer that he is required to serve by presenting a copy of the*
19 *court or administrative certificate to said employer].*

20 *(3) An employer shall not discharge or in any manner discriminate or retaliate*
21 *against an employee who is a victim of a crime because the employee takes leave*
22 *from work to attend court or other legal or investigative proceedings associated*
23 *with the prosecution of the crime.*

24 *(4) Before an employee may take leave from work pursuant to this section, the*
25 *employee shall give the employer reasonable notice of intent to take leave by*
26 *providing the employer with a copy of the notice of each scheduled hearing,*
27 *conference, or meeting that is provided to the employee by the court or agency*

1 responsible for providing notice to the employee unless such prior notice is not
2 practicable, in which case the employee shall provide documentation to the
3 employer within two (2) business days after returning to work.

4 (5) An employee who takes leave from work pursuant to this section may elect to use,
5 or an employer may require the employee to use, the employee's accrued vacation
6 time, personal leave time, compensatory time, or sick leave time. An employer
7 shall have the discretion to determine whether to pay an employee for leave taken
8 from work pursuant to this section if the employee has no accrued paid leave
9 time.

10 (6) An employer shall maintain the confidentiality of any verbal communication,
11 written document, or record submitted by an employee relative to the employee's
12 request for leave pursuant to this section. Any person who willfully and
13 intentionally violates this subsection shall, for the first offense, be guilty of a
14 Class B misdemeanor, and, for each subsequent offense, be guilty of a Class A
15 misdemeanor.

16 (7) The penalty for such unlawful discharge may include, but is not limited to,
17 reemployment, assessment of court costs, appropriate attorney fees, and back pay as
18 ordered by a court of competent jurisdiction.