

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 508.025 is amended to read as follows:

- 4 (1) A person is guilty of assault in the third degree when the actor:
- 5 (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally
- 6 causes or attempts to cause physical injury to:
- 7 1. A state, county, city, or federal peace officer;
- 8 2. An employee of a detention facility, or state residential treatment facility
- 9 or state staff secure facility for residential treatment which provides for
- 10 the care, treatment, or detention of a juvenile charged with or
- 11 adjudicated delinquent because of a public offense or as a youthful
- 12 offender;
- 13 3. An employee of the Department for Community Based Services
- 14 employed as a social worker to provide direct client services, if the event
- 15 occurs while the worker is performing job-related duties;
- 16 4. Paid or volunteer emergency medical services personnel certified or
- 17 licensed pursuant to KRS Chapter 311A, if the event occurs while
- 18 personnel are performing job-related duties;
- 19 5. A paid or volunteer member of an organized fire department, if the event
- 20 occurs while the member is performing job-related duties;
- 21 6. Paid or volunteer rescue squad personnel affiliated with the Division of
- 22 Emergency Management of the Department of Military Affairs or a local
- 23 disaster and emergency services organization pursuant to KRS Chapter
- 24 39F, if the event occurs while personnel are performing job-related
- 25 duties;
- 26 7. A probation and parole officer;
- 27 8. A transportation officer appointed by a county fiscal court or legislative

- 1 body of a consolidated local government, urban-county government, or
2 charter government to transport inmates when the county jail or county
3 correctional facility is closed while the transportation officer is
4 performing job-related duties;
- 5 9. A public or private elementary or secondary school or school district
6 classified or certified employee, school bus driver, or other school
7 employee acting in the course and scope of the employee's employment;
8 or
- 9 10. A public or private elementary or secondary school or school district
10 volunteer acting in the course and scope of that person's volunteer
11 service for the school or school district;
- 12 (b) Being a person confined in a detention facility, or a juvenile in a state
13 residential treatment facility or state staff secure facility for residential
14 treatment which provides for the care, treatment, or detention of a juvenile
15 charged with or adjudicated delinquent because of a public offense or as a
16 youthful offender, inflicts physical injury upon or throws or causes feces, or
17 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 18 (c) Intentionally causes a person, whom the actor knows or reasonably should
19 know to be a peace officer discharging official duties, to come into contact
20 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the
21 consent of the peace officer.
- 22 (2) (a) For violations of subsection (1)(a) and (b) of this section, assault in the third
23 degree is a Class D felony.
- 24 (b) For violations of subsection (1)(c) of this section, assault in the third degree is
25 a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood,
26 seminal fluid, urine, or feces from an adult who knows that he or she has a
27 serious communicable disease and competent medical or epidemiological

1 evidence demonstrates that the specific type of contact caused by the actor is
2 likely to cause transmission of the disease or condition, in which case it is a
3 Class A misdemeanor. Notwithstanding KRS 534.040, a violation of
4 subsection (1)(c) of this section shall be punishable by a fine of five
5 thousand dollars (\$5,000).

6 (c) As used in paragraph (b) of this subsection, "serious communicable disease"
7 means a non-airborne disease that is transmitted from person to person and
8 determined to have significant, long-term consequences on the physical health
9 or life activities of the person infected.

10 (d) Any person convicted under subsection (1)(a)1., 4., 5., 6., or (1)(c) of this
11 section shall be imprisoned for no less than thirty (30) days and shall not be
12 released on probation, shock probation, parole, conditional discharge, or
13 any other form of early release.

14 ➔Section 2. KRS 508.010 is amended to read as follows:

15 (1) A person is guilty of assault in the first degree when:

16 (a) He intentionally causes serious physical injury to another person by means of
17 a deadly weapon or a dangerous instrument; or

18 (b) Under circumstances manifesting extreme indifference to the value of human
19 life he wantonly engages in conduct which creates a grave risk of death to
20 another and thereby causes serious physical injury to another person.

21 (2) Assault in the first degree is a Class B felony.

22 (3) Notwithstanding KRS 534.030, a violation of this section shall be punishable by a
23 fine of fifteen thousand dollars (\$15,000).

24 (4) Any person convicted of assault in the first degree shall be imprisoned for no less
25 than ninety (90) days and shall not be released on probation, shock probation,
26 parole, conditional discharge, or any other form of early release.

27 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 512 IS CREATED TO

1 READ AS FOLLOWS:

2 **In any conviction for a violation of KRS 512.020, 512.030, or 512.040, the court shall**
3 **order full restitution for any pecuniary loss.**

4 ➔Section 4. KRS 525.020 is amended to read as follows:

5 (1) A person is guilty of riot in the first degree when:

6 (a) He **or she** knowingly participates in a riot; and

7 (b) In the course of and as a result of such riot a person other than one (1) of the
8 participants suffers physical injury or substantial property damage occurs.

9 (2) Riot in the first degree is a Class D felony.

10 **(3) Any person convicted of riot in the first degree shall be imprisoned for no less**
11 **than forty-five (45) days and shall not be released on probation, shock probation,**
12 **parole, conditional discharge, or any other form of early release.**

13 ➔Section 5. KRS 525.030 is amended to read as follows:

14 (1) A person is guilty of riot in the second degree when he **or she** knowingly
15 participates in a riot.

16 (2) Riot in the second degree is a Class A misdemeanor.

17 **(3) Any person convicted of riot in the second degree shall be imprisoned for no less**
18 **than thirty (30) days and shall not be released on probation, shock probation,**
19 **parole, conditional discharge, or any other form of early release.**

20 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
21 READ AS FOLLOWS:

22 **In any conviction for a violation of Section 4 or 5 of this Act or KRS 525.040, the court**
23 **shall order full restitution for any pecuniary loss.**

24 ➔Section 7. KRS 525.150 is amended to read as follows:

25 (1) A person is guilty of disrupting meetings and processions ~~in the second degree~~
26 ~~when,~~ with intent to prevent or disrupt a lawful meeting, procession, or gathering,
27 he or she does any act tending to obstruct or interfere with it physically or makes

1 any utterance, gesture, or display designed to outrage the sensibilities of the group.

2 (2) Disrupting meetings and processions~~[in the second degree]~~ is a Class ~~A~~[B]
3 misdemeanor.

4 ➔Section 8. KRS 525.140 is amended to read as follows:

5 (1) A person is guilty of obstructing a highway or other public passage when having no
6 legal privilege to do so he, alone or with other persons, intentionally or wantonly
7 renders any highway or public passage impassable without unreasonable
8 inconvenience or hazard.

9 (2) No person shall be convicted under this section solely because of a gathering of
10 persons to hear him speak or otherwise communicate or solely because of being a
11 member of such a gathering.

12 (3) An order to disperse issued by a peace officer or other public servant engaged in
13 executing or enforcing the law and addressed to a person whose speech or other
14 lawful behavior attracts an obstructing audience shall not be deemed lawful if the
15 obstruction can be readily remedied by police control of the size or location of the
16 gathering.

17 (4) (a) Obstructing a highway or other public passage is a Class ~~A~~[B] misdemeanor,
18 *unless the obstruction prevents:*

19 *1. An emergency vehicle from accessing a highway or street;*

20 *2. An emergency responder from responding to an emergency; or*

21 *3. Access to an emergency exit;*

22 *in which case it is a Class D felony.*

23 (b) For purposes of this subsection:

24 *1. "Emergency vehicle" means any vehicle of a governmental*
25 *department or public service corporation when responding to an*
26 *emergency, any vehicle of a police or fire department, and any*
27 *ambulance;*

1 2. "Emergency exit" means a doorway in a building or facility used for
2 egress to the outdoors only when there is an immediate threat to the
3 health or safety of an individual; and

4 3. "Emergency responder" has the same meaning definition as in KRS
5 525.015.

6 ➔Section 9. KRS 511.060 is amended to read as follows:

7 (1) A person is guilty of criminal trespass in the first degree when he knowingly enters
8 or remains unlawfully in a dwelling.

9 (2) Criminal trespass in the first degree is a Class A misdemeanor, unless:

10 (a) The dwelling belongs to or is occupied by a law enforcement officer, active
11 duty member of the military, judge, or elected or appointed federal, state, or
12 local official; and

13 (b) The person acts with intent to harass a person who owns or occupies the
14 residence due to the person's status as a law enforcement officer, active duty
15 member of the military, judge, or elected or appointed federal, state, or local
16 official;

17 in which case it is a Class D felony.

18 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
19 READ AS FOLLOWS:

20 (1) Notwithstanding KRS 431.066 and 431.520, no person shall be released within
21 twelve (12) hours of the time of arrest who has been charged with violation of
22 Section 4, 5, 7, or 8 of this Act or KRS 512.020, 512.030, 512.040, or 525.040.

23 (2) The court may, however, release the defendant in less than twelve (12) hours if
24 the official finds that the defendant is not likely to immediately resume the
25 criminal behavior based on the circumstances of the arrest and the defendant's
26 prior criminal history.

27 (3) The findings of the court shall be reduced to writing. The written findings shall

1 *be preserved as a permanent part of the record. The arresting officer shall make*
2 *official note of the time of the arrest in order to establish the beginning of the*
3 *twelve (12) hour period required by this section.*

4 ➔Section 11. The following KRS section is repealed:

5 525.145 Disrupting meetings and processions in the first degree.