

1 AN ACT relating to victims of crime.

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

3 ➔Section 1. KRS 49.280 is amended to read as follows:

4 As used in KRS 49.270 to 49.490~~[, unless the context otherwise requires]:~~

5 (1) "Child" means any person less than eighteen (18) years of age;

6 (2) "Claimant" means any of the following claiming compensation under KRS 49.270
7 to 49.490: a victim, a dependent of a deceased victim, a third person other than a
8 collateral source, or an authorized person acting on behalf of any of them who is
9 legally responsible for the expenses incurred by the victim as a result of the crime
10 committed against the victim;

11 (3) "Criminally injurious conduct" means conduct that occurs or is attempted in this
12 jurisdiction, poses a substantial threat of personal physical or psychological injury
13 or death, and is punishable by fine, imprisonment, or death. Criminally injurious
14 conduct shall include an act of terrorism, as defined in 18 U.S.C. sec. 2331,
15 committed outside of the United States against a resident of Kentucky. Acts which,
16 but for the insanity or mental irresponsibility or lack of capacity of the perpetrator,
17 would constitute criminal conduct shall be deemed to be criminally injurious
18 conduct. The operation of a motor vehicle, motorcycle, train, boat, aircraft, or other
19 vehicle in violation of law does not constitute a criminally injurious conduct unless
20 the injury or death was intentionally inflicted, involved a violation of KRS
21 189A.010, driving under the influence, ~~for~~ involved the operator of a vehicle in an
22 accident who did not stop and disclose his or her identity as required by KRS
23 189.580, **or involved the operator of a vehicle in an accident who acted recklessly**
24 **or with wantonness;**

25 (4) "Family," when used with reference to a person, **means**~~[shall mean]:~~

26 (a) **The person's spouse;**

27 (b) Any person related to ~~the~~~~[such]~~ person within the **second**~~[third]~~ degree of

1 consanguinity;

2 ~~(c)(b)~~ Any person maintaining a sexual relationship with the~~such~~ person; ~~or~~

3 ~~(d)(e)~~ Any person residing in the same household with the~~such~~ person; or

4 (e) Any stepchild, stepparent, stepbrother, or stepsister; and

5 (5) (a) "Victim" means a ~~needy~~ person who suffers personal physical or
6 psychological injury or death from a criminal act in Kentucky as a result of:

7 1. Criminally injurious conduct;

8 2. A good-faith effort to prevent criminally injurious conduct; or

9 3. A good-faith effort to apprehend a person reasonably suspected of
10 engaging in criminally injurious conduct.

11 (b) "Victim" shall also mean a resident who is a victim of a crime occurring
12 outside this state if:

13 1. The crime would be compensable had it occurred inside this state; and

14 2. The crime occurred in a state which does not have a crime victim
15 compensation program, for which the victim is eligible as eligibility is
16 set forth in KRS 49.310.

17 (c) "Victim" shall also mean a resident of this state who is injured or killed by an
18 act of terrorism, as defined in 18 U.S.C. sec. 2331, committed outside the
19 United States.

20 ➔Section 2. KRS 49.300 is amended to read as follows:

21 In addition to the powers and authority outlined in KRS 49.020, the Crime Victims
22 Compensation Board has the power and duty to~~shall have the following powers and~~
23 ~~duties~~:

24 (1) ~~To~~ Promulgate, amend, and repeal suitable administrative regulations to carry out
25 the provisions and purposes of KRS 49.270 to 49.490, including administrative
26 regulations for the approval of attorney's fees for representation before the board or
27 upon judicial review;

- 1 (2) ~~{To}~~ Hear and determine all matters relating to claims for compensation, and the
2 power to reinvestigate or reopen claims without regard to statutes of limitations;
- 3 (3) ~~{To}~~ Request from prosecuting attorneys and law enforcement officers
4 investigations and data to enable the board to determine whether, and the extent to
5 which, a claimant qualifies for compensation. The statute providing confidentiality
6 for juvenile session of District Court records does not apply to proceedings under
7 KRS 49.270 to 49.490;
- 8 (4) ~~{To}~~ Hold hearings in accordance with the provisions of KRS Chapter 13B. The
9 powers provided in this subsection may be delegated by the board to any member or
10 employee thereof. If necessary to carry out any of its powers and duties, the board
11 may petition any Circuit Court for an order;
- 12 (5) Upon the filing of an application by a claimant, ~~{to}~~ negotiate binding fee
13 settlements with the providers of services to claimants that may be eligible for an
14 award under KRS 49.370(2)~~{(3)}~~;
- 15 (6) ~~{To}~~ Make available for public inspection all board decisions and opinions,
16 administrative regulations, written statements of policy, and interpretations
17 formulated, promulgated, or used by it in discharging its functions. **Materials made**
18 **available pursuant to this subsection shall be edited to remove personal**
19 **identifying information of any victim. Materials made available pursuant to this**
20 **subsection after the effective date of this Act shall be made available on the**
21 **board's website;**
- 22 (7) ~~{To}~~ Publicize widely the availability of reparations, **the availability of emergency**
23 **awards,** and information regarding the claims therefor; ~~{and}~~
- 24 (8) ~~{To}~~ Make an annual report, by January 1 of each year, of its activities for the
25 preceding fiscal year to the Office of the State Budget Director and to the
26 **Legislative Research Commission for referral to the** Interim Joint Committee on
27 Appropriations and Revenue. Each **annual**~~{such}~~ report shall set forth a complete

- 1 operating and financial statement covering its operations during the year~~[-]~~;
- 2 **(9) Create an electronic application process on its website, with explanatory**
- 3 **materials and easily understood forms;**
- 4 **(10) Notify all applicants of their right to counsel;**
- 5 **(11) Ensure that its forms and published materials are clear, easily understandable,**
- 6 **and available in a variety of formats and languages to maximize the accessibility**
- 7 **of the compensation process;**
- 8 **(12) By August 1, 2025, create and implement a tracking process for claims filed with**
- 9 **the board. The tracking process shall include a public portal allowing victims to**
- 10 **access the system; and**
- 11 **(13) By August 1, 2025, and annually thereafter, report to the Governor and to the**
- 12 **Legislative Research Commission for referral to the Interim Joint Committee on**
- 13 **Judiciary the number and percentage of cases in which the timeframes**
- 14 **established in subsection (2) of Section 5 of this Act and in subsection (3) of**
- 15 **Section 7 of this Act were not met.**

16 ➔Section 3. KRS 49.310 is amended to read as follows:

- 17 (1) Except as provided in **subsection**~~[subsections]~~ (2)~~[- and (3)]~~ of this section, the
- 18 following persons shall be eligible for awards pursuant to KRS 49.270 to 49.490:
- 19 (a) A victim of criminally injurious conduct;
- 20 (b) A surviving **family member or personal representative**~~[spouse, parent, or~~
- 21 ~~child]~~ of a victim of criminally injurious conduct who died as a direct result of
- 22 **the**~~[such]~~ conduct;
- 23 (c) Any other person dependent for his **or her** principal support upon a victim of
- 24 criminally injurious conduct who died as a direct result of **the**~~[such]~~ crime;~~[-~~
- 25 ~~and]~~
- 26 (d) Any person who is legally responsible for the medical expenses or funeral
- 27 expenses of a victim; **and**

1 (e) Any person acting as the primary caregiver for a victim of criminally
 2 injurious conduct.

3 (2) No victim or dependent shall be denied compensation solely because he or she is a
 4 relative of the offender or was living with the offender as a family or household
 5 member at the time of the injury or death. However, the Crime Victims
 6 Compensation Board may award compensation to a victim or dependent who is a
 7 relative, family, or household member of the offender only if the board can
 8 reasonably determine the offender will not receive significant economic benefit or
 9 unjust enrichment from the compensation.

10 ~~[(3) No compensation of any kind shall be awarded when injury occurred while the~~
 11 ~~victim was confined in any state, county, urban county, or city jail, prison, or other~~
 12 ~~correctional facility, or any state institution maintained and operated by the Cabinet~~
 13 ~~for Health and Family Services.]~~

14 ➔Section 4. KRS 49.330 is amended to read as follows:

15 (1) A claim form may be filed by a person eligible to receive an award, as provided in
 16 KRS 49.310 or, if ~~the~~^[such] person is a minor, by his or her parent or guardian.

17 (2) ~~[A claim form must be filed by the claimant not later than five (5) years after the~~
 18 ~~occurrence of the criminally injurious conduct upon which such claim is based, or~~
 19 ~~not later than five (5) years after the death of the victim; provided, however, that~~
 20 ~~upon good cause shown, the Crime Victims Compensation Board may extend the~~
 21 ~~time for filing if, in a particular case, the interest of justice so requires.~~

22 (3) ~~]Claims shall be filed with the board in accordance with the administrative~~
 23 ~~regulations promulgated by the board. [Only printed claim forms supplied by the~~
 24 ~~board shall be accepted.]The board shall accept for filing all claims submitted by~~
 25 persons eligible under subsection (1) of this section and alleging the jurisdiction
 26 requirements set forth in KRS 49.270 to 49.490 and meeting the requirements as to
 27 form in the administrative~~[rules and]~~ regulations of the board.

1 ~~(3)~~~~(4)~~ Upon filing of a claim pursuant to KRS 49.270 to 49.490, the board shall
 2 promptly notify the United States attorney, ~~{(if a federal offense is involved)}~~, the
 3 Commonwealth's attorney or county attorney of the county wherein the crime is
 4 alleged to have occurred. ~~[If, within ten (10) days after such notification, such~~
 5 ~~United States attorney, Commonwealth's attorney, or county attorney advises the~~
 6 ~~board that a criminal prosecution is pending upon the same alleged crime and~~
 7 ~~requests that action by the board be deferred, the board shall defer all proceedings~~
 8 ~~under KRS 49.270 to 49.490 until such time as such criminal prosecution has been~~
 9 ~~concluded, and shall so notify such United States attorney, Commonwealth's or~~
 10 ~~county attorney, and the claimant. When such criminal prosecution has been~~
 11 ~~concluded, such United States attorney, Commonwealth's or county attorney shall~~
 12 ~~promptly so notify the board. Nothing in this section shall limit the authority of the~~
 13 ~~board to grant emergency awards pursuant to KRS 49.360]~~

14 **(4) No claim may be filed by, or on behalf of, a person currently confined in any**
 15 **correctional facility, or any state institution maintained and operated by the**
 16 **Cabinet for Health and Family Services.**

17 ➔Section 5. KRS 49.340 is amended to read as follows:

18 (1) A claim, when accepted for filing, shall be assigned by the executive director of the
 19 Office of Claims and Appeals to an investigator for investigation. All claims arising
 20 from the death of an individual as a direct result of a crime shall be considered
 21 together.

22 (2) The investigator to whom ~~a~~~~such~~ claim is assigned shall examine the papers filed
 23 in support of the claim and the validity of the claim. The investigation shall include
 24 but not be limited to an examination of police, court, and official records and
 25 reports concerning the crime. **On or after July 1, 2025, the investigator's report**
 26 **shall be completed within one hundred twenty (120) days of the assignment of the**
 27 **claim. On or after July 1, 2026, the investigator's report shall be completed within**

1 *ninety (90) days of the assignment of the claim. If the report is not completed*
2 *within the time required under this subsection, the investigator shall notify the*
3 *claimant of the reason for the delay.*

4 (3) If the mental, physical, or emotional condition of a victim or claimant is material to
5 a claim, the board may order the victim or claimant to submit to a mental or
6 physical examination by a physician or psychiatrist, and may order an autopsy of a
7 deceased victim. A report upon an examination shall be filed with the investigator
8 setting out findings, including results of all tests made, diagnosis, prognosis, and
9 other conclusions.

10 (4) ~~For purposes of KRS 49.270 to 49.490, there is no privilege, except privileges~~
11 ~~arising from the attorney-client relationship, as to communications or records~~
12 ~~relevant to an issue of the physical, mental, or emotional condition of the claimant~~
13 ~~or victim in a proceeding under KRS 49.270 to 49.490 in which that condition is an~~
14 ~~element.~~

15 ~~(5)~~ Claims shall be investigated and determined, regardless of whether the alleged
16 criminal has been apprehended or prosecuted for or convicted of any crime based
17 upon the same incident, or has been acquitted, or found not guilty of the crime in
18 question owing to criminal irresponsibility or other legal exemption.

19 ~~(5)~~~~(6)~~ Upon completion of the investigator's report, the claim shall be assigned to a
20 board member who may decide the claim in favor of a claimant in the amount
21 claimed on the basis of the papers filed in support thereof and the report of the
22 investigation of the claim within thirty (30) days of the assignment of the claim. If
23 the board member is unable to decide the claim upon the basis of the documents
24 and the report, a hearing shall be ordered.

25 ~~(6)~~~~(7)~~ The hearing shall be conducted in accordance with KRS Chapter 13B and
26 may be held at any location within the Commonwealth, with a view to securing
27 opportunity for crime victims to appear before it with as little inconvenience and

1 expense as practicable. When any member of the board is attending hearings at any
2 place other than Frankfort, Kentucky, expenses necessarily incurred in the
3 performance of ~~that~~[such] duty shall be paid by the state upon certification by the
4 executive director of the Office of Claims and Appeals of an itemized statement of
5 ~~such~~ expenses in accordance with Finance and Administration Cabinet
6 administrative regulations.

7 ~~(7)~~[(8)] After examining the papers filed in support of the claim and the report of
8 investigation, and after a hearing, if any, the board member to whom the claim was
9 assigned shall issue a recommended order either granting an award pursuant to KRS
10 49.370 or deny the claim. The board shall review the recommended order and any
11 exceptions filed to it, and shall by majority vote issue a final order.

12 ~~(8)~~[(9)] A final order of the board may be appealed by filing a petition for judicial
13 review in the county where the claim accrued or in Franklin Circuit Court in
14 accordance with KRS Chapter 13B.

15 ➔Section 6. KRS 49.350 is amended to read as follows:

16 Following the initial filing of a claim, if a claimant or victim does not take any[such]
17 further steps as may be necessary to support or perfect the claim as may be required by
18 the Crime Victims Compensation Board within ninety (90)[thirty (30)] days after a[such]
19 requirement is made by the board, the claimant or victim shall be deemed in default. In
20 a[such] case in default, the board may[shall] dismiss the claim with leave to refile. A
21 claimant or victim may revive the claim at any time by submitting a response to the
22 requirement made by the board[summarily deny the claim and the claimant or victim
23 shall be forever barred from reasserting the claim. The board may remit such proceedings
24 on good cause shown that the failure to take the steps required by the board was totally
25 and completely beyond the control of the claimant or victim].

26 ➔Section 7. KRS 49.360 is amended to read as follows:

27 (1) Notwithstanding the provisions of KRS 49.340, if it appears to the Crime Victims

1 Compensation Board member to whom a claim is assigned, prior to taking action
2 upon ~~the~~^[such] claim, that:

3 (a) ~~The~~^[Such] claim is one with respect to which an award probably will be
4 made; and

5 (b) Undue hardship will result to the claimant if immediate payment is not made;
6 emergency payment under subsection (2) of this section may be made.

7 (2) Upon~~such~~ findings under subsection (1) of this section, the board member may
8 make an emergency award to the claimant pending a final decision in the case
9 provided that:

10 (a) The amount of ~~an~~^[such] emergency award shall not exceed **one thousand**
11 **dollars (\$1,000)**~~five hundred dollars (\$500)~~;

12 (b) The amount of ~~an~~^[such] emergency award shall be deducted from any final
13 award made to the claimant; and

14 (c) The excess of the amount of ~~an~~^[such] emergency award over the amount of
15 the final award, or the full amount of the emergency award if no final award is
16 made, shall be repaid by the claimant to the board.

17 **(3) A decision to make an emergency award pursuant to this section shall be made**
18 **within two (2) weeks of the receipt of the claim by the Crime Victims**
19 **Compensation Board.**

20 ➔Section 8. KRS 49.370 is amended to read as follows:

21 (1) No award shall be made unless the Crime Victims Compensation Board or board
22 member, as the case may be, finds that:

23 (a) Criminally injurious conduct occurred; **and**

24 (b) ~~The~~^[Such] criminally injurious conduct resulted in personal physical or
25 psychological injury to, or death of, the victim~~;~~ ~~and~~

26 ~~(c) Police or court records show that such crime was promptly reported to the~~
27 ~~proper authorities; and in no case may an award be made where the police or~~

1 court records show that such report was made more than forty-eight (48)
2 hours after the occurrence of such crime unless the board, for good cause
3 shown, finds the delay to have been justified].

4 (2) ~~[Except for claims related to sexual assault, human trafficking, and domestic~~
5 ~~violence, the board upon finding that the claimant or victim has not fully cooperated~~
6 ~~with appropriate law enforcement agencies shall deny, reconsider, or reduce an~~
7 ~~award.~~

8 ~~(3)~~ Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not
9 exceeding out-of-pocket expenses, including loss of earnings or support resulting
10 from the injury on which the claim is based and indebtedness reasonably incurred
11 for medical or other services, including:

12 (a) For the victim and for any child who is the victim's dependent, when the
13 crime was committed at the primary residence of the victim:

14 1. Relocation if the victim is moving from one (1) primary residence to
15 another due to concern for the safety of themselves or other persons at
16 the residence as a result of a crime within six (6) months of the crime,
17 not to exceed two thousand dollars (\$2,000). The board may, in its
18 discretion, allow relocation expenses incurred after six (6) months;
19 and

20 2. Temporary housing costs incurred within thirty (30) days of the crime,
21 when the victim is unable to stay in the primary residence due to the
22 crime, not to exceed two thousand dollars (\$2,000);

23 (b) Tattoo removal for victims of human trafficking, not to exceed four
24 thousand dollars (\$4,000);

25 (c) Crime scene cleanup within thirty (30) days of the crime when the crime
26 was committed at the primary residence or business of the victim, not to
27 exceed two thousand dollars (\$2,000);

- 1 (d) Reimbursement for the replacement of items owned by the victim and for
 2 any child who is the victim's dependent that were seized by law enforcement
 3 as evidence of the commission of the crime, not to exceed five hundred
 4 dollars (\$500) per item;
- 5 (e) Replacement or repair of windows and locks at the primary residence or
 6 business of the victim which were damaged by the commission of the crime,
 7 not to exceed one thousand five hundred dollars (\$1,500);
- 8 (f) Rehabilitative or wellness practices recommended by a healthcare provider,
 9 engaged in by the victim and any juveniles dependent upon the victim due to
 10 the crime, not to exceed one thousand dollars (\$1,000) per year per person,
 11 for a maximum of two (2) years;
- 12 (g) Expenses related to court proceedings related to the crime for a victim or for
 13 a victim's caregiver;
- 14 (h) Mental health counseling, necessary as a result of the injury upon which the
 15 claim is based~~[, together with loss of earnings or support resulting from such~~
 16 ~~injury].~~ Mental health counseling:
- 17 1. Shall be paid for a maximum of two (2) years, but only after proper
 18 documentation is submitted to the board stating what treatment is
 19 planned and for what period of time.
- 20 2. Need not be for a consecutive period and may be paused and resumed
 21 at a later time;~~[the board shall have the power to discontinue payment~~
 22 ~~of mental health counseling at any time within the two (2) year period.]~~
- 23 (i) Replacement of eyeglasses and other corrective lenses ~~[shall be included in an~~
 24 ~~award, provided they were]~~stolen, destroyed, or damaged during the crime;
 25 and
- 26 (j) The board may promulgate administrative regulations to establish
 27 additional guidelines for awards pursuant to this section.

1 ~~(3)~~~~(4)~~ Any award made for loss of earnings or financial support may be considered
2 for a claimant who has loss of support or wages due to the crime for which the
3 claim is filed. Unless reduced pursuant to other provisions of KRS 49.270 to
4 49.490, the award shall be equal to net earnings at the time of the criminally
5 injurious conduct; however, no ~~such~~ award **under this subsection** shall exceed
6 **five hundred dollars (\$500)**~~three hundred dollars (\$300)~~ for each week of lost
7 earnings or financial support. The wage earner or source of support must have been
8 employed or paying support at the time the crime occurred. Said employment or
9 support shall be verified by the staff of the board after information is provided by
10 the claimant or victim. Should the claimant or victim fail to supply the board with
11 the information requested, the portion of the claim for lost wages or support shall be
12 denied. If there are two (2) or more persons entitled to an award as a result of the
13 injury or death of a person which is the direct result of criminally injurious conduct,
14 the award shall be apportioned by the board among the claimants.

15 ~~(4)~~~~(5)~~ The board is authorized to set a reasonable limit for the payment of funeral
16 and burial expenses, which shall include funeral costs, a monument, and grave plot.
17 In no event shall an award for funeral expenses exceed **ten thousand dollars**
18 **(\$10,000)**~~seven thousand five hundred dollars (\$7,500)~~.

19 ~~(5)~~~~(6)~~ Any award made under KRS 49.270 to 49.490 shall not exceed **fifty thousand**
20 **dollars (\$50,000)**~~thirty thousand dollars (\$30,000)~~ in total compensation to be
21 received by or paid on behalf of a claimant from the fund.

22 ~~(6)~~~~(7)~~ ~~An~~~~No~~ award shall **not** be made for any type of property loss or damage,
23 except as otherwise permitted in KRS 49.270 to 49.490.

24 **(7) An award may be made for a claim filed more than ten (10) years after the**
25 **criminally injurious conduct, due to a delay in the testing of or DNA profile**
26 **matching from a sexual assault forensic examination kit or biological material**
27 **collected as evidence related to a sexual offense, in which case the victim may**

1 collect a lump sum in the amount of five thousand dollars (\$5,000) to cover the
2 victim's out-of-pocket expenses incurred due to the crime which may not be
3 provable due to the delay.

4 ➔Section 9. KRS 49.390 is amended to read as follows:

5 (1) Any award made pursuant to KRS 49.270 to 49.490 shall be reduced by the amount
6 of any payments received or to be received by the claimant as a result of the injury
7 from the following sources:

8 (a) From or on behalf of the person who committed the crime;

9 (b) Under insurance programs mandated by law;

10 (c) From public funds;

11 (d) Under any contract of insurance wherein the claimant is the insured or
12 beneficiary;

13 (e) As an emergency award pursuant to KRS 49.360; and

14 (f) From donations made on behalf of the victim or claimant toward expenses
15 incurred as a result of the crime.

16 (2) The board may deny, reconsider, or reduce an award if the board finds that, in
17 relation to the criminally injurious conduct alleged in the claim, the victim or
18 claimant:

19 (a) Has been charged with a criminal offense;

20 (b) Has been offered immunity from prosecution in exchange for testimony;

21 (c) Knowingly participated in the conduct; or

22 (d) Engaged in conduct which may constitute mutual aggression with another

23 person~~[In determining the amount of an award, the Crime Victims~~
24 ~~Compensation Board or board member shall determine whether, because of~~
25 ~~his or her conduct, the claimant or the victim of such crime contributed to the~~
26 ~~infliction of the victim's injury, and shall reduce the amount of the award or~~
27 ~~reject the claim altogether, in accordance with such determination; however,~~

1 the board or board member may disregard for this purpose the responsibility
 2 of the claimant or the victim for the victim's injury where the record shows
 3 that such responsibility was attributable to efforts by the claimant or victim to
 4 prevent a crime or an attempted crime from occurrence in his or her presence
 5 or to apprehend a person who had committed a crime in his or her presence or
 6 had in fact committed a felony. The board or board members may request that
 7 either the county attorney or Commonwealth's attorney or both state whether
 8 in their opinion, the victim suffered injuries as the result of a crime and has
 9 cooperated with the prosecution and law enforcement authorities. The board
 10 or board member shall not be bound by such opinions and recommendations
 11 and if needed may order a further investigation of the claim.

12 ~~(3) The board or board member may consider whether the victim's injuries were the~~
 13 ~~ordinary and foreseeable result of unlawful and criminal activities in determining~~
 14 ~~the claimant's eligibility for an award. If the board or board member finds that the~~
 15 ~~claimant will not suffer serious financial hardship if not granted financial assistance~~
 16 ~~pursuant to KRS 49.270 to 49.490, the board or board member shall deny an award.~~
 17 ~~In determining such serious financial hardship, the board or board member shall~~
 18 ~~consider all of the financial resources of the claimant. The board shall establish~~
 19 ~~specific standards by rule for determining such serious financial hardships].~~

20 ➔Section 10. KRS 49.400 is amended to read as follows:

21 Any person who procures or attempts to procure compensation with the Crime Victims
 22 Compensation Board by ***intentionally*** filing ~~[false]~~ information ***he or she knows to be***
 23 ***false*** shall have the claim denied and be forever barred from filing a claim with this
 24 board.

25 ➔Section 11. KRS 216B.400 is amended to read as follows:

26 (1) Where a person has been determined to be in need of emergency care by any person
 27 with admitting authority, ***the***~~[no such]~~ person shall ***not*** be denied admission by

- 1 reason only of his or her inability to pay for services to be rendered by the hospital.
- 2 (2) Every hospital of this state which offers emergency services shall provide that a
3 physician, a sexual assault nurse examiner, who shall be a registered nurse licensed
4 in the Commonwealth and credentialed by the Kentucky Board of Nursing as
5 provided under KRS 314.142, or another qualified medical professional, as defined
6 by administrative regulation promulgated by the Justice and Public Safety Cabinet
7 in consultation with the Sexual Assault Response Team Advisory Committee as
8 defined in KRS 403.707, is available on call twenty-four (24) hours each day for the
9 examinations of persons seeking treatment as victims of sexual offenses as defined
10 by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120,
11 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310.
- 12 (3) An examination provided in accordance with this section of a victim of a sexual
13 offense may be performed in a sexual assault examination facility as defined in
14 KRS 216B.015. An examination under this section shall apply only to an
15 examination of a victim.
- 16 (4) The physician, sexual assault nurse examiner, or other qualified medical
17 professional, acting under a statewide medical forensic protocol which shall be
18 developed by the Justice and Public Safety Cabinet in consultation with the Sexual
19 Assault Response Team Advisory Committee as defined in KRS 403.707, and
20 promulgated by the secretary of justice and public safety pursuant to KRS Chapter
21 13A shall, upon the request of any peace officer or prosecuting attorney, and with
22 the consent of the victim, or upon the request of the victim, examine *the*
23 victim~~[such person]~~ for the purposes of providing basic medical care relating to the
24 incident and gathering samples that may be used as physical evidence. This
25 examination shall include but not be limited to:
- 26 (a) Basic treatment and sample gathering services; and
27 (b) Laboratory tests, as appropriate.

- 1 (5) Each victim shall be informed of available services for treatment of sexually
2 transmitted infections, pregnancy, and other medical and psychiatric problems.
3 Pregnancy counseling shall not include abortion counseling or referral information.
- 4 (6) Each victim shall be informed of available crisis intervention or other mental health
5 services provided by regional rape crisis centers providing services to victims of
6 sexual assault.
- 7 (7) Notwithstanding any other provision of law, a minor may consent to examination
8 under this section. This consent is not subject to disaffirmance because of minority,
9 and consent of the parents or guardians of the minor is not required for the
10 examination.
- 11 (8) (a) The examinations provided in accordance with this section **and other services**
12 **provided to a victim pursuant to subsection (9) of this section** shall be paid
13 for by the Crime Victims Compensation Board at a rate to be determined by
14 the administrative regulation promulgated by the board after consultation with
15 the Sexual Assault Response Team Advisory Committee as defined in KRS
16 403.707. **Payment for services rendered pursuant to subsection (9) of this**
17 **section shall be made at a rate not to exceed the Medicaid reimbursement**
18 **rate for the same or similar services.**
- 19 (b) Upon receipt of a completed claim form supplied by the board and an
20 itemized billing for a forensic sexual assault examination or related services
21 that are within the scope of practice of the respective provider and were
22 performed no more than twelve (12) months prior to submission of the form,
23 the board shall reimburse the hospital or sexual assault examination facility,
24 pharmacist, health department, physician, sexual assault nurse examiner, or
25 other qualified medical professional as provided in administrative regulations
26 promulgated by the board pursuant to KRS Chapter 13A. Reimbursement
27 shall be made to an out-of-state nurse who is credentialed in the other state to

1 provide sexual assault examinations, an out-of-state hospital, or an out-of-
2 state physician if the sexual assault occurred in Kentucky.

3 (c) Independent investigation by the Crime Victims Compensation Board shall
4 not be required for payment of claims under this section; however, the board
5 may require additional documentation or proof that the forensic medical
6 examination was performed.

7 (9) **When an examination of a victim of a sexual offense is provided in accordance**
8 **with this section,** no charge shall be made to the victim~~[for sexual assault~~
9 ~~examinations]~~ by the hospital, the sexual assault examination facility, the physician,
10 the pharmacist, the health department, the sexual assault nurse examiner, other
11 qualified medical professional, the victim's insurance carrier, or the Commonwealth
12 **for:**

13 **(a) Sexual assault examinations, whether or not the exam is completed;**

14 **(b) Prophylactic medical treatment;**

15 **(c) Strangulation assessments; or**

16 **(d) Other medical tests or services, including triage and ambulance expenses,**
17 **related to the incident, exam, or treatment which occur on the same date as**
18 **the original exam.**

19 (10) (a) Each victim shall have the right to determine whether a report or other
20 notification shall be made to law enforcement, except where reporting of
21 abuse and neglect of a child or a vulnerable adult is required, as set forth in
22 KRS 209.030 and 620.030. No victim shall be denied an examination, **or**
23 **billed in violation of subsection (9) of this section,** because the victim
24 chooses not to file a police report, cooperate with law enforcement, or
25 otherwise participate in the criminal justice system.

26 (b) If the victim chooses to report to law enforcement, the hospital shall notify
27 law enforcement within twenty-four (24) hours.

- 1 (c) 1. All samples collected during an exam where the victim has chosen not
2 to immediately report to law enforcement shall be stored, released, and
3 destroyed, if appropriate, in accordance with an administrative
4 regulation promulgated by the Justice and Public Safety Cabinet in
5 consultation with the Sexual Assault Response Team Advisory
6 Committee as defined in KRS 403.707.
- 7 2. Facilities collecting samples pursuant to this section may provide the
8 required secure storage, sample destruction, and related activities, or
9 may enter into agreements with other agencies qualified to do so,
10 pursuant to administrative regulation.
- 11 3. All samples collected pursuant to this section shall be stored for at least
12 one (1) year from the date of collection in accordance with the
13 administrative regulation promulgated pursuant to this subsection.
- 14 4. Notwithstanding KRS 524.140, samples collected during exams where
15 the victim chose not to report immediately or file a report within one (1)
16 year after collection may be destroyed as set forth in accordance with
17 the administrative regulation promulgated pursuant to this subsection.
18 The victim shall be informed of this process at the time of the
19 examination. No hospital, sexual assault examination facility, or
20 designated storage facility shall be liable for destruction of samples after
21 the required storage period has expired.

22 ➔Section 12. KRS 216B.990 is amended to read as follows:

- 23 (1) Any person who, in willful violation of this chapter, operates a health facility or
24 abortion facility without first obtaining a license or continues to operate a health
25 facility or abortion facility after a final decision suspending or revoking a license
26 shall be fined not less than five hundred dollars (\$500) nor more than ten thousand
27 dollars (\$10,000) for each violation.

- 1 (2) Any person who, in willful violation of this chapter, acquires major medical
2 equipment, establishes a health facility, or obligates a capital expenditure without
3 first obtaining a certificate of need, or after the applicable certificate of need has
4 been withdrawn, shall be fined one percent (1%) of the capital expenditure involved
5 but not less than five hundred dollars (\$500) for each violation.
- 6 (3) Any **health care provider or** hospital acting by or through its agents or employees
7 which violates any provision of KRS 216B.400 shall be punished by a fine of not
8 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
9 **The cabinet shall establish an online portal on its website for reporting violations**
10 **of KRS 216B.400.**
- 11 (4) Any health facility which willfully violates KRS 216B.250 shall be fined one
12 hundred dollars (\$100) per day for failure to post required notices and one hundred
13 dollars (\$100) per instance for willfully failing to provide an itemized statement
14 within the required time frames.
- 15 (5) In addition to the civil penalties established under KRS 216B.306(1) and (4), any
16 person who advertises, solicits boarders, or operates a boarding home without first
17 obtaining a registration as required by KRS 216B.305 and any person who aids or
18 abets the operation of a boarding home that is not registered shall be imprisoned for
19 no more than twelve (12) months.
- 20 (6) Any person or entity establishing, managing, or operating an abortion facility or
21 conducting the business of an abortion facility which otherwise violates any
22 provision of this chapter or any administrative regulation promulgated thereunder
23 regarding abortion facilities shall be subject to revocation or suspension of the
24 license of the abortion facility. In addition, any violation of any provision of this
25 chapter regarding abortion facilities or any administrative regulation related thereto
26 by intent, fraud, deceit, unlawful design, willful and deliberate misrepresentation, or
27 by careless, negligent, or incautious disregard for the statute or administrative

1 regulation, either by persons acting individually or in concert with others, shall
2 constitute a violation and shall be punishable by a fine not to exceed one thousand
3 dollars (\$1,000) for each offense. Each day of continuing violation shall be
4 considered a separate offense. The venue for prosecution of the violation shall be in
5 any county of the state in which the violation, or any portion thereof, occurred.

6 (7) Any hospital acting by or through its agents or employees that violates any
7 provision of KRS 216B.150 shall be punished by a fine of not less than one hundred
8 dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

9 (8) Any health facility acting by or through its agents or employees that violates any
10 provision of KRS 216B.153 shall be punished by a fine of not less than one hundred
11 dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

12 ➔Section 13. KRS 49.380 is amended to read as follows:

13 (1) Upon the filing of an application for a claim with the Crime Victims Compensation
14 Board, all debt collection actions by a creditor or the creditor's agent, against the
15 claimant for a debt or expense covered under KRS 49.370(2)~~[(3)]~~ and related to the
16 substance of the claim shall cease pending a resolution of the claim by the board, if
17 the claimant:

18 (a) Provides written notice to the creditor or creditor's agent that a claim has been
19 submitted to the board; and

20 (b) Authorizes the creditor or creditor's agent to confirm with the board the
21 claimant's application with the board and that the debt or expense upon which
22 the collection action is based may be covered under KRS 49.370(2)~~[(3)]~~.

23 (2) The board shall, upon the written request of a creditor or creditor's agent, notify the
24 creditor or creditor's agent when a claim has been resolved.