

1 AN ACT relating to harassment.

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

3 ➔Section 1. KRS 344.450 is amended to read as follows:

4 Any person injured by any act in violation of the provisions of this chapter shall have a
5 civil cause of action in Circuit Court to enjoin further violations, and to recover the actual
6 damages sustained, ***punitive damages, and***~~[together with]~~ the costs of the ***lawsuit***~~[law
7 suit]~~. The court's order or judgment shall include a reasonable fee for the plaintiff's
8 attorney of record and any other remedies contained in this chapter.

9 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO
10 READ AS FOLLOWS:

11 ***(1) No person shall intentionally:***

12 ***(a) Cause death or physical injury to another;***

13 ***(b) Cause damage to the property of another; or***

14 ***(c) Summon a peace officer without reason to suspect a violation of the penal***
15 ***code or threat of imminent harm to person or property;***

16 ***in whole or in substantial part because of a belief or perception regarding the***
17 ***race, color, national origin, ancestry, gender, religion, religious practice, age,***
18 ***disability, or sexual orientation of a person, regardless of whether the belief or***
19 ***perception is correct.***

20 ***(2) For the purposes of this section, a person lacks reason to suspect a violation of***
21 ***the penal code or threat of imminent harm to another person or property where a***
22 ***reasonable person would not suspect such violation or threat.***

23 ***(3) The court may issue an injunction without requiring proof that any person has,***
24 ***in fact, been injured or damaged.***

25 ***(4) The Attorney General may file a civil action in Circuit Court to seek an***
26 ***injunction if the Attorney General has probable cause to believe that this section***
27 ***has been violated.***

1 ➔Section 3. KRS 519.010 is amended to read as follows:

2 The following definitions apply in this chapter unless the context otherwise requires:

- 3 (1) "Governmental function" means any activity which a public servant is legally
4 authorized to undertake on behalf of the governmental unit which he serves;
- 5 (2) "Public record" includes all books, papers, maps, photographs, cards, tapes, discs,
6 diskettes, recordings, magnetic or electronic images, optical images or other
7 documentary materials regardless of physical form or characteristics, which are
8 prepared, owned, used, in the possession of, received or retained by a public agency.
9 "Public record" shall not include any records owned by a private person or
10 corporation that are not related to functions, activities, programs, or operations
11 funded by state or local authority;
- 12 (3) "Public servant" means:
- 13 (a) Any public officer or employee of the state or of any political subdivision
14 thereof or of any governmental instrumentality within the state;
- 15 (b) Any person exercising the functions of any such public officer or employee;
- 16 (c) Any person participating as advisor, consultant or otherwise in performing a
17 governmental function, but not including witnesses; or
- 18 (d) Any person elected, appointed or designated to become a public servant
19 although not yet occupying that position;
- 20 (4) **"Public safety answering point" means a communications facility that is**
21 **assigned the responsibility to receive 911 calls originating in a given area and, as**
22 **appropriate, to dispatch public safety services or to extend, transfer, or relay 911**
23 **calls to appropriate public safety agencies; and**
- 24 (5) ~~[As used in this chapter,]~~ "Benefit" means gain or advantage to the beneficiary or to
25 a third person pursuant to the desire or consent of the beneficiary.

26 ➔Section 4. KRS 519.040 is amended to read as follows:

- 27 (1) A person is guilty of falsely reporting an incident when he:

- 1 (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to
2 or within any organization, official or volunteer, that deals with emergencies
3 involving danger to life or property; or
- 4 (b) Reports to law enforcement authorities an offense or incident within their
5 official concern knowing that it did not occur; or
- 6 (c) Furnishes law enforcement authorities with information allegedly relating to
7 an offense or incident within their official concern when he knows he has no
8 information relating to such offense or incident; or
- 9 (d) Knowingly gives false information to any law enforcement officer or public
10 safety answering point with intent to implicate another or to intimidate or
11 harass another with detention or investigation by law enforcement
12 authorities; or
- 13 (e) Contacts a law enforcement officer or public safety answering point with
14 the intent to intimidate or harass another with detention or investigation by
15 law enforcement authorities, without reason to suspect a violation of the
16 penal code, threat of imminent harm to person or property, or other
17 circumstance which merits law enforcement response; or
- 18 (f) Initiates or circulates a report or warning of an alleged occurrence or
19 impending occurrence of a fire or other emergency under circumstances likely
20 to cause public inconvenience or alarm when he knows the information
21 reported, conveyed or circulated is false or baseless.
- 22 (2) Falsely reporting an incident is a Class A misdemeanor.