

1 AN ACT relating to duties of elected officials.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Public record or record" means all books, papers, maps, photographs,*
7 *cards, tapes, disks, diskettes, recordings, and other documentary material,*
8 *regardless of physical form or characteristics, which are prepared, owned,*
9 *used, in the possession of, or retained by an elected office or officer. "Public*
10 *record" does not include any records owned by a private person or*
11 *corporation that are not related to functions, activities, programs, or*
12 *operations funded by state or local authority; and*

13 *(b) "Elected office or officer" means sheriff, county clerk, property valuation*
14 *administrator, jailer, chief executive of any county, urban-county, charter*
15 *county, consolidated local, or unified local government, coroner, surveyor,*
16 *constable, and county attorney.*

17 *(2) Each elected officer of every county, urban-county, charter county, consolidated*
18 *local, and unified local government shall:*

19 *(a) Establish a written, comprehensive system for the identification and*
20 *preservation of public records necessary for the continuity of governmental*
21 *functions upon the transfer of any elected office from one (1) officer to*
22 *another;*

23 *(b) Review the system established under paragraph (a) of this subsection as*
24 *needed, but no later than ninety (90) days after taking the oath of office,*
25 *and make any required revisions;*

26 *(c) Prepare and maintain a written inventory of:*

27 *1. All furniture, equipment, or other fixed asset having an original cost*

- 1 of five hundred dollars (\$500) or more, and a useful life of greater
2 than one (1) year;
- 3 2. All licensed vehicles and licensed trailers; and
- 4 3. Any other nonexpendable property having a value of five hundred
5 dollars (\$500) or more;
- 6 (d) Review the written inventory required under paragraph (c) of this
7 subsection no later than ninety (90) days after taking the oath of office, and
8 update as necessary but no later than September 30 in any year that the
9 elected office is on the ballot, and no later than December 31 of each
10 calendar year that the elected office is not on the ballot;
- 11 (e) Maintain copies of both the system required under paragraph (a) of this
12 subsection and the inventory required under paragraph (c) of this
13 subsection in the office of the elected officer, and if the elected office
14 maintains an official Web site, provide a link on that Web site to the
15 referenced documents;
- 16 (f) File a copy of both the comprehensive system for the identification and
17 preservation of public records required under paragraph (a) of this
18 subsection and the annual inventory required under paragraph (c) of this
19 subsection with the clerk of the chief legislative body of the county, urban-
20 county, charter county, consolidated local, or unified local government;
- 21 (g) Comply with the system established for the identification and preservation
22 of records and perform the inventory as required under this subsection; and
- 23 (h) Upon resignation, removal from office, or expiration of the term of office,
24 immediately deliver all books, records, and other papers preserved under the
25 policy established under this subsection and all items listed on the inventory
26 required under this subsection to any successor to the office.
- 27 (3) Every elected officer or person appointed to an elected office shall be responsible

- 1 and accountable for the custody and safekeeping of all records required to be
2 maintained and all property transferred, assigned to, purchased, or otherwise
3 acquired by the elected officer or person appointed to an elected office.
- 4 (4) Nothing in this section shall relieve any elected officer or person appointed to an
5 elected office from complying with any other requirements or the performance of
6 any other duty required by law.
- 7 (5) In addition to those penalties otherwise provided by law, any elected officer or
8 person appointed to an elected office failing to comply with the provisions of this
9 section shall be guilty of official misconduct in the first degree under KRS
10 522.020.