

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 519.010 is amended to read as follows:

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

5 (1) **"Benefit" means gain or advantage to the beneficiary or to a third person**
6 **pursuant to the desire or consent of the beneficiary;**

7 (2) **"Emergency response" means any action to protect life, health, or property by**
8 **any:**

9 (a) **Peace officer;**

10 (b) **Law enforcement agency;**

11 (c) **Agency that provides fire, rescue, or emergency medical services; or**

12 (d) **Private not-for-profit organization that provides fire, rescue, or emergency**
13 **medical services;**

14 (3) "Governmental function" means any activity which a public servant is legally
15 authorized to undertake on behalf of the governmental unit which he **or she** serves;

16 (4)~~(2)~~ "Public record" includes all books, papers, maps, photographs, cards, tapes,
17 discs, diskettes, recordings, magnetic or electronic images, optical images or other
18 documentary materials regardless of physical form or characteristics, which are
19 prepared, owned, used, in the possession of, received or retained by a public agency.
20 "Public record" shall not include any records owned by a private person or
21 corporation that are not related to functions, activities, programs, or operations
22 funded by state or local authority;

23 (5)~~(3)~~ "Public servant" means:

24 (a) Any public officer or employee of the state or of any political subdivision
25 thereof or of any governmental instrumentality within the state;

26 (b) Any person exercising the functions of any such public officer or employee;

27 (c) Any person participating as advisor, consultant, or otherwise in performing a

1 governmental function, but not including witnesses; or

2 (d) Any person elected, appointed or designated to become a public servant
3 although not yet occupying that position[;]

4 ~~(4) As used in this chapter, "benefit" means gain or advantage to the beneficiary or to a
5 third person pursuant to the desire or consent of the beneficiary].~~

6 ➔Section 2. KRS 519.040 is amended to read as follows:

7 (1) A person is guilty of falsely reporting an incident when the person[he]:

8 (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to
9 or within any organization, official or volunteer, that deals with emergencies
10 involving danger to life or property and the false report results in an
11 emergency response; or

12 (b) Reports to law enforcement authorities an offense or incident within their
13 official concern knowing that it did not occur; or

14 (c) Furnishes law enforcement authorities with information allegedly relating to
15 an offense or incident within their official concern when the person[he]
16 knows he or she has no information relating to such offense or incident; or

17 (d) Knowingly gives false information to any law enforcement officer with intent
18 to implicate another; or

19 (e) Initiates or circulates a report or warning of an alleged occurrence or
20 impending occurrence of a fire or other emergency under circumstances likely
21 to cause public inconvenience or alarm when the person[he] knows the
22 information reported, conveyed, or circulated is false or baseless, and the
23 false report results in an emergency response.

24 (2) (a) Falsely reporting an incident under subsection (1)(b), (c), or (d) of this
25 section is a Class A misdemeanor.

26 (b) Falsely reporting an incident under subsection (1)(a) or (e) of this section is
27 a Class D felony unless the violation results in:

- 1 1. Physical injury to any person, in which case it is a Class C felony; or
 2 2. Serious physical injury or death to any person, in which case it is a
 3 Class B felony.

4 (3) Any violation under this section may be prosecuted in any county where:

- 5 (a) The defendant resides;
 6 (b) The false report was communicated; or
 7 (c) There was an emergency response to the false report.

8 (4) (a) The court, in imposing a sentence on a defendant who has been convicted
 9 of any offense under this section, shall order restitution to:

- 10 1. Any agency or organization for the reasonable costs of the emergency
 11 response incurred by that agency or organization resulting from the
 12 false report; and
 13 2. Any person who suffered damages caused by the agency or
 14 organization that provided an emergency response.
 15 (b) An order of restitution under this subsection shall, for the purpose of
 16 enforcement, be treated as a civil judgment.

17 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
 18 READ AS FOLLOWS:

19 (1) In addition to any restitution ordered by the court under subsection (4) of Section
 20 2 of this Act, any person who suffers harm as a result of a violation of Section 2
 21 of this Act may recover damages in a civil cause of action against the alleged
 22 perpetrator, including but not limited to damages for infliction of emotional
 23 distress, compensatory and punitive damages, court costs, and reasonable
 24 attorney's fees.

25 (2) The action may be filed in a court of competent jurisdiction for the county in
 26 which the alleged violation occurred or the victim resides.

27 (3) An individual found liable under this section shall be jointly and severally liable

1 with each other person, if any, found liable under this section for the damages
 2 arising from the same violation of Section 2 of this Act.

3 ➔Section 4. KRS 134.127 is amended to read as follows:

4 (1) (a) The following persons may pay to the county clerk at any time the total
 5 amount due on a certificate of delinquency or personal property certificate of
 6 delinquency that is owned by the taxing jurisdictions and in the possession of
 7 the county clerk. It shall be the responsibility of the person seeking to pay the
 8 county clerk to provide sufficient proof to the county clerk that he or she
 9 meets the requirements to pay under this paragraph. The county clerk shall be
 10 held harmless if he or she relies upon information provided and accepts
 11 payment from a person not qualified to pay under this paragraph. The county
 12 clerk may also accept partial payments from these persons:

13 1. The person primarily liable on the certificate of delinquency or personal
 14 property certificate of delinquency, or a person paying on behalf of the
 15 person primarily liable on the certificate, provided that a person paying
 16 on behalf of the person primarily liable on the certificate under this
 17 paragraph shall, notwithstanding the provisions of KRS 134.126(5), be
 18 treated in the same manner as the person primarily liable on the
 19 certificate and shall not be treated as an assignee or a transferee under
 20 the provisions of this chapter; and

21 2. The following persons may pay a certificate of delinquency or personal
 22 property certificate of delinquency that relates to the specific property in
 23 which he or she has an interest, other than a person whose only interest
 24 in the property is an interest resulting from a prior year certificate of
 25 delinquency:

26 a. Any person having a legal or equitable estate in real property
 27 subject to a certificate of delinquency;

- 1 b. A tenant or lawful occupant of real property, or a bailee or person
2 in possession of any personal property; or
3 c. Any person having a mortgage on real property or a security
4 interest in real or personal property.

5 Upon full payment of a certificate of delinquency under this
6 subparagraph, KRS 134.126(5), (6), (7), and (8) shall apply regarding
7 the rights and interests of the person making the payment.

8 (b) Any other person may pay the total amount due on a certificate of delinquency
9 that is owned by the taxing jurisdictions and in the possession of the county
10 clerk to the county clerk after ninety (90) days have passed from the filing of
11 the tax claims with the county clerk in accordance with KRS 134.128.

12 (c) 1. Only the persons listed in paragraph (a) of this subsection may pay a
13 personal property certificate of delinquency. Personal property
14 certificates of delinquency shall not be included in any sale conducted
15 under KRS 134.128, and may not be purchased by any third party not
16 specifically listed in paragraph (a) of this subsection.

17 2. A certificate of delinquency on property of a public service company
18 that is centrally assessed, and that includes personal property and real
19 property on the same certificate of delinquency, shall be treated for all
20 purposes as a certificate of delinquency on real property.

21 (2) The duties of the county clerk with regard to payment of a certificate of delinquency
22 or personal property certificate of delinquency by a person other than the person
23 primarily liable on the certificate, are set forth in KRS 134.126(5) and (6).

24 (3) (a) The delinquent taxpayer or any person having a legal or equitable estate in the
25 property covered by a certificate of delinquency may, at any time, pay the total
26 amount due to a third-party purchaser of a certificate of delinquency. The
27 third-party purchaser may also accept payment from any other person at any

1 time.

2 (b) When full payment for a certificate of delinquency is made to a third-party
3 purchaser, the third-party purchaser shall execute a release of the lien in
4 accordance with the provisions of KRS 382.365. The remedies included in
5 KRS 382.365 shall apply if the third-party purchaser fails to release the lien as
6 provided in KRS 382.365.

7 (c) Any person other than the person primarily liable on a certificate of
8 delinquency who pays a certificate of delinquency to a third-party purchaser
9 may, by paying a fee pursuant to KRS 64.012, have the county clerk record
10 the payment, and the recordation shall constitute an assignment thereof, and
11 KRS 134.126(6) and (8) shall apply. Failure of an assignee to record the
12 assignment shall render the claim of such person to any real estate represented
13 thereby inferior to the rights of other bona fide purchasers, payors, or
14 creditors.

15 (d) If the third-party purchaser fails to release the lien in accordance with the
16 provisions of KRS 382.365, or to surrender the certified copy of the certificate
17 of delinquency to the person making full payment within thirty (30) days after
18 payment has been tendered at the mailing address designated in the notice
19 required by KRS 134.490 or the mailing address of record in the county clerk's
20 office if no notice has been provided as required by KRS 134.490, the person
21 making the payment shall have all of the remedies provided in KRS 382.365.

22 (e) 1. A person entitled to make payment under this section who is having
23 difficulty locating the third-party purchaser of the certificate of
24 delinquency to make payment may send a registered letter addressed to
25 the third-party purchaser of record at the address reflected in the most
26 recent notice received from the third-party purchaser pursuant to KRS
27 134.490, or if no notice has been received, at the address reflected in the

1 records of the county clerk, indicating a desire to make payment. If the
2 letter is returned by mail unclaimed, or if the third-party purchaser fails
3 to respond in writing within thirty (30) days, the sender may take to the
4 county clerk as proof of mailing the certified mail receipts stamped by
5 the post office showing that the certified letter was mailed to the correct
6 address and the date it was mailed. If the letter was returned, the sender
7 shall also provide the returned letter to the clerk. The sender shall attest
8 under oath that the letter was mailed to the correct address, and if the
9 letter was not returned, the attestation shall also provide that the third-
10 party purchaser did not respond in writing within thirty (30) days of the
11 date the letter was mailed. The department shall develop attestation
12 forms for distribution to the county clerks that include a notice that any
13 false statement made in the attestation shall be punishable by law. The
14 form shall be a public record as defined in~~under~~ KRS 519.010~~(2)~~,
15 subject to KRS 519.060(1)(a). The clerks' taking of such testimony shall
16 be an official proceeding under KRS 523.010(3).

- 17 2. Upon the acceptance of proof and attestation by the county clerk that the
18 person has failed in his or her attempt to contact the third-party
19 purchaser about making payment, the person may pay the full amount
20 due as reflected in the records maintained by the county clerk plus
21 applicable interest, and the county clerk shall make the necessary
22 assignment or release of the certificate of delinquency. The county clerk
23 shall also discharge any notice filed pursuant to KRS 382.440 or
24 382.450 as provided in KRS 382.470, except the county clerk shall
25 prepare and record an in-house release executed by the county clerk
26 along with the proof of payment, rather than requiring the signature or
27 writing as required by KRS 382.470. The clerk shall receive a fee

- 1 pursuant to KRS 64.012 for recording the release.
- 2 3. The county clerk shall deposit the money paid in an escrow account for
- 3 this specific purpose in a bank having its deposits insured with the
- 4 Federal Deposit Insurance Corporation. The name of the bank in which
- 5 the money is deposited shall be noted on the certificate of delinquency.
- 6 The county clerk may maintain one (1) escrow account for all deposits
- 7 made pursuant to this subparagraph and shall maintain a record
- 8 reflecting the amount due each owner of a certificate of delinquency.
- 9 4. The county clerk may deduct the sum of twenty dollars (\$20) as a fee for
- 10 such service.
- 11 5. The county clerk shall mail a copy of the certificate of delinquency by
- 12 regular mail to the third-party purchaser of record at the address on the
- 13 certificate of delinquency.
- 14 6. If any county clerk fails to pay to the person entitled thereto, upon
- 15 written demand clearly identified as a demand for payment, the money
- 16 received in payment of a certificate of delinquency, the county clerk and
- 17 the county clerk's sureties shall be liable for the amount of the payment
- 18 and twenty percent (20%) interest thereon annually from the fifteenth
- 19 day after the time the county clerk received the written demand until
- 20 paid.
- 21 (4) Copies of the records provided for in this section and KRS 134.126, when certified
- 22 by the county clerk, shall be evidence of the facts stated in them in all the courts of
- 23 this state.