

1 AN ACT relating to body-worn cameras.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) A peace officer shall wear and activate a body-worn camera when responding to*  
6 *a call for service or during any interaction with the public initiated by the peace*  
7 *officer, whether consensual or nonconsensual, for the purpose of enforcing the*  
8 *law or investigating possible violations of the law.*

9 *(2) If a peace officer fails to activate his or her body-worn camera as required by this*  
10 *section, or tampers with body-worn camera footage or operation when required to*  
11 *activate the camera, there shall be a rebuttable presumption in any investigative*  
12 *or legal proceeding, excluding criminal proceedings against the peace officer,*  
13 *that the missing footage would have reflected misconduct by the peace officer.*

14 *(3) If a peace officer fails to activate his or her body-worn camera as required by this*  
15 *section, or tampers with body-worn camera footage or operation when required to*  
16 *activate the camera, there shall be a rebuttable presumption of inadmissibility of*  
17 *any statements sought to be introduced in a prosecution through the peace officer*  
18 *related to the incident which:*

19 *(a) Were not recorded due to the peace officer's failure to activate the body-*  
20 *worn camera; or*

21 *(b) Were not recorded by other means.*

22 *(4) In addition to any criminal liability and penalty under the law:*

23 *(a) If a court, administrative law judge, hearing officer, or a final decision in*  
24 *an internal investigation finds that a peace officer intentionally failed to*  
25 *activate or tampered with any body-worn camera, the peace officer's*  
26 *employer shall impose discipline up to and including termination; and*

27 *(b) If a court, administrative law judge, hearing officer, or a final decision in*

1 *an internal investigation finds that a peace officer intentionally failed to*  
 2 *activate or tampered with any body-worn camera and acted with the intent*  
 3 *to conceal unlawful or inappropriate actions or obstruct justice:*

4 *1. Except as provided in subparagraph 2. of this paragraph, the peace*  
 5 *officer's certification pursuant to KRS 15.380 to 15.404 shall be*  
 6 *revoked for a period of not less than one (1) year and the revocation*  
 7 *may only be lifted within the period of the revocation if the peace*  
 8 *officer is exonerated by a court; and*

9 *2. If the incident resulted in a civilian death, the peace officer's*  
 10 *certification pursuant to KRS 15.380 to 15.404 shall be revoked*  
 11 *permanently and the revocation may only be overturned if the peace*  
 12 *officer is exonerated by a court.*

13 ➔Section 2. KRS 61.168 is amended to read as follows:

14 (1) As used in this section:

15 (a) "Body-worn camera" means a video or audio electronic recording device that  
 16 is carried by or worn on the body of a public safety officer. This definition  
 17 does not include a dashboard mounted camera or recording device used in the  
 18 course of clandestine investigations;

19 (b) "Body-worn camera recording" or "recording" means a video or audio  
 20 recording, or both, that is made by a body-worn camera during the course of a  
 21 public safety officer's official duties;

22 (c) "Personal representative" means a court-appointed guardian, attorney, or agent  
 23 possessing written authorization to act on behalf of a person that is involved in  
 24 an incident contained in a body-worn camera recording, a person holding a  
 25 power of attorney for a person that is involved in an incident contained in a  
 26 body-worn camera recording, or the parent or guardian of a minor child  
 27 depicted in a body-worn camera recording. If a person depicted in the

- 1 recording is deceased, the term also means the personal representative of the  
2 estate of the deceased person, the deceased person's surviving spouse, parent,  
3 or adult child, the deceased person's attorney, or the parent or guardian of a  
4 surviving minor child of the deceased;
- 5 (d) "Public agency" has the same meaning as in KRS 61.870(1);
- 6 (e) "Public safety officer" means any individual that is an employee of a public  
7 agency who is certified as a first responder under KRS Chapter 311A or  
8 whose employment duties include law enforcement or firefighting activities;  
9 and
- 10 (f) "Use of force" means any action by a public safety officer that results in death,  
11 physical injury as defined in KRS 500.080(13), discharge of a personal body  
12 weapon, chemical agent, impact weapon, extended range impact weapon,  
13 sonic weapon, sensory weapon, conducted energy weapon, or a firearm, or  
14 involves the intentional pointing of a public safety officer's firearm at a  
15 member of the public.
- 16 (2) Except as provided in this section, the disclosure of body-worn camera recordings  
17 shall be governed by the Kentucky Open Records Act, as set forth in KRS 61.870 to  
18 61.884.
- 19 (3) (a) The retention of body-worn camera video recordings shall be governed by  
20 KRS 171.410 to 171.740, and the administrative regulations promulgated by  
21 the Kentucky Department ~~for~~ Libraries and Archives.
- 22 (b) *On or before January 1, 2022, the Kentucky Department for Libraries and*  
23 *Archives shall prepare, and the State Archives and Records Commission*  
24 *shall approve, a records retention schedule governing the retention of body-*  
25 *worn camera recordings for law enforcement agencies.*
- 26 (4) Notwithstanding KRS 61.878(4), unless the request meets the criteria provided  
27 under subsection (5) of this section, a public agency may elect not to disclose body-

1 worn camera recordings containing video or audio footage that:

- 2 (a) Includes the interior of a place of a private residence where there is a  
3 reasonable expectation of privacy, unless the legal owner or lessee with legal  
4 possession of the residence requests in writing that the release be governed  
5 solely under the provisions of KRS 61.870 to 61.884;
- 6 (b) Includes the areas inside of a medical facility, counseling, or therapeutic  
7 program office where a patient is registered to receive treatment, receiving  
8 treatment, waiting for treatment, or being transported in the course of  
9 treatment;
- 10 (c) Would disclose health care information shared with patients, their families, or  
11 with a patient's care team or that is considered protected health information  
12 under the Health Insurance Portability and Accountability Act of 1996;
- 13 (d) Includes the areas inside of a correctional facility when disclosure would  
14 reveal details of the facility that would jeopardize the safety, security, or well-  
15 being of those in custody, the staff of the correctional facility, or law  
16 enforcement officers;
- 17 (e) Is of a sexual nature or video footage that contains nude images of an  
18 individual's genitals, pubic area, anus, or the female nipple;
- 19 (f) Is of a minor child, including but not limited to footage involving juvenile  
20 custody matters;
- 21 (g) Includes the body of a deceased individual;
- 22 (h) Would reveal the identity of witnesses, confidential law enforcement  
23 informants, or undercover law enforcement officers, or if the release could  
24 jeopardize the safety, security, or well-being of a witness or confidential  
25 informant;
- 26 (i) Would reveal the location information of a domestic violence program or  
27 emergency shelter;

- 1 (j) Would reveal information related to schools, colleges, and universities that is  
2 protected by the federal Family Educational Rights and Privacy Act;
- 3 (k) Would result in the disclosure of nonpublic or confidential data classified as  
4 Criminal Justice Information Services data by the Federal Bureau of  
5 Investigation;
- 6 (l) Includes a public safety officer carrying out duties directly related to the  
7 hospitalization of persons considered mentally ill;
- 8 (m) Includes the depiction of the serious injury or death of a public safety officer;  
9 or
- 10 (n) Includes footage made in conjunction with a law enforcement exercise that  
11 includes special response team actions, hostage negotiations, or training  
12 events, but only where the public release of tactics, operational protocol, or  
13 methodology would disadvantage the capability of public safety officers to  
14 successfully respond in emergency or other dangerous situations.
- 15 (5) If the recording contains video or audio footage that:
- 16 (a) Depicts an encounter between a public safety officer where there is a use of  
17 force, the disclosure of the record shall be governed solely by the provisions  
18 of KRS 61.870 to 61.884, including all of the exceptions contained therein;
- 19 (b) Depicts an incident which leads to the detention or arrest of an individual or  
20 individuals, the disclosure of the record shall be governed solely by the  
21 provisions of KRS 61.870 to 61.884, including all of the exceptions contained  
22 therein;
- 23 (c) Depicts an incident which is the subject of a formal complaint submitted  
24 against a public safety officer under KRS 15.520, 67C.326, or 95.450, or  
25 depicts an incident which is the subject of a formal legal or administrative  
26 complaint against the agency employing the public safety officer, *the law*  
27 *enforcement agency shall release all unedited video and audio recordings of*

1 the incident, including those from body-worn cameras, or otherwise  
 2 collected through investigation, to the public within twenty-one (21) days  
 3 after the law enforcement agency received the complaint of misconduct.  
 4 Any recording that would substantially interfere with or jeopardize an active  
 5 or ongoing investigation may be withheld from the public, except that the  
 6 recording shall be released no later than forty-five (45) days from the date  
 7 of the allegation of misconduct. In all cases when release of a recording is  
 8 delayed in reliance on this subsection, the prosecuting attorney shall  
 9 prepare a written explanation of the interference or jeopardy that justifies  
 10 the delayed release, contemporaneous with the refusal to release the video  
 11 or audio recording. The explanation shall be released to the public no later  
 12 than the release of the video or audio recording[the release of the record  
 13 shall be governed by the provisions of KRS 61.870 to 61.884, including all of  
 14 the exceptions contained therein];

15 (d) Depicts an incident which resulted in a death, the recording shall be  
 16 provided upon request to the victim's personal representative, and the  
 17 personal representative shall be notified of his or her right to receive and  
 18 review the recording at least seventy-two (72) hours prior to public  
 19 disclosure; or

20 (e)[~~(d)~~] Is requested by a person or other entity or the personal representative of  
 21 a person or entity that is directly involved in the incident contained in the  
 22 body-worn camera recording, it shall be made available by the public agency  
 23 to the requesting party for viewing on the premises of the public agency, but  
 24 the public agency shall not be required to make a copy of the recording except  
 25 as provided in KRS 61.169. The requesting parties shall not be limited in the  
 26 number of times they may view the recording under this paragraph.

27 (6) Nothing in this section or KRS 61.169 shall be interpreted to override any provision

1 related to:

- 2 (a) Reports by law enforcement officers and criminal justice agencies under KRS  
3 17.150;
- 4 (b) The law and rules governing discovery or the submission and display of  
5 evidence in any court proceeding, whether criminal or civil, or any  
6 administrative proceeding; or
- 7 (c) The provisions of KRS 189A.100.

8 **(7) A witness, victim, or criminal defendant, or other person with a privacy interest**  
9 **implicated in subsection (4) of this section or in KRS 61.878, may waive in**  
10 **writing the individual privacy interest that may be implicated by public release of**  
11 **a recording. Upon receipt of a written waiver of the applicable privacy interest,**  
12 **accompanied by a request for release, the law enforcement agency may not redact**  
13 **or withhold release to protect that privacy interest.**

14 ➔Section 3. KRS 61.169 is amended to read as follows:

- 15 (1) Subject to the provisions of KRS 61.870 to 61.884 and the following requirements,  
16 a copy of a recording that may be viewed under KRS 61.168(5)(~~e~~)(~~d~~) shall, upon  
17 request, be made for and provided to an attorney that:
- 18 (a) Is licensed to practice law in the Commonwealth of Kentucky;
- 19 (b) Represents the person or entity that is directly involved in the incident  
20 contained in the body-worn camera recording;
- 21 (c) Has not been disqualified under subsection (3) of this section; and
- 22 (d) Executes an affidavit in support of limited release regarding the attorney's  
23 responsibility for the care and custody of the copy of the recording that  
24 specifically stipulates that he or she:
- 25 1. Will only use the recording for the sole purposes of evaluating or  
26 preparing for an existing or potential court case or administrative  
27 proceeding or in consulting with insurance companies on matters related

- 1 to insurance coverage of incidents that are depicted in the recording;
- 2 2. Will not distribute duplicate copies of the recording except for the sole  
3 purpose of having an expert or other professional consultant provide  
4 analysis to the attorney for the purposes of evaluating or preparing for an  
5 existing or potential court case or administrative proceeding or with an  
6 insurance company for the purposes of accessing claims coverage,  
7 settlement, or other matters involving an insurance contract;
- 8 3. Will execute a contract with any expert, professional consultant, or  
9 insurance company that is provided a duplicate copy of the recording  
10 pursuant to this paragraph that requires the expert or professional  
11 consultant to be bound by the same limitations and requirements as the  
12 attorney for the care and custody of the recording as required by this  
13 paragraph;
- 14 4. Will not allow individuals or others that are not under the attorney's  
15 control or supervision the ability to view the contents of the recording in  
16 any form except for the sole purpose of preparation for an existing or  
17 potential court or administrative proceeding, communications regarding  
18 matters related to insurance, or for the purposes of displaying the  
19 recording as evidence in any court or administrative proceeding;
- 20 5. Will destroy any copy of the recording when the recording is no longer  
21 used for the purposes of this section or the court or administrative  
22 proceeding has been finally adjudicated to its conclusion; and
- 23 6. Acknowledges that as an officer of the court, he or she may be subject to  
24 professional discipline or other legal liability for a breach of an affidavit  
25 executed under this section.
- 26 (2) If an attorney violates an affidavit executed under subsection (1) of this section, the  
27 public agency shall refer the matter to the Kentucky Bar Association for it to



1 consider any appropriate action under the Kentucky Rules of Professional Conduct.  
2 The public agency may take any additional legal action against an attorney for such  
3 a violation.

4 (3) Any attorney who has been disciplined under the Rules of Professional Conduct or  
5 has otherwise been found by a court of law to have violated an affidavit executed  
6 under subsection (1) of this section shall be disqualified from making any  
7 subsequent requests for copies of recordings under the provisions of this section.

8 (4) A public agency that produces a copy of a recording pursuant to this section may  
9 treat the request for the recording as a commercial request and charge a reasonable  
10 fee for the costs of production as authorized under KRS 61.874(4)(c).

11 ➔Section 4. KRS 15.440 is amended to read as follows:

12 (1) Each unit of government that meets the following requirements shall be  
13 eligible to share in the distribution of funds from the Law Enforcement Foundation  
14 Program fund:

15 (a) Employs one (1) or more police officers;

16 (b) Pays every police officer at least the minimum federal wage;

17 (c) Requires all police officers to have, at a minimum, a high school degree, or its  
18 equivalent as determined by the council, except that each police officer  
19 employed prior to the date on which the officer's police department was  
20 included as a participant under KRS 15.410 to 15.510 shall be deemed to have  
21 met the requirements of this subsection;

22 (d) 1. Requires all police officers to successfully complete a basic training  
23 course of nine hundred twenty-eight (928) hours' duration within one (1)  
24 year of the date of employment at a school certified or recognized by the  
25 council, which may provide a different number of hours of instruction as  
26 established in this paragraph, except that each police officer employed  
27 prior to the date on which the officer's police department was included

- 1 as a participant under KRS 15.410 to 15.510 shall be deemed to have  
2 met the requirements of this subsection.
- 3 2. As the exclusive method by which the number of hours required for  
4 basic training courses shall be modified from that which is specifically  
5 established by this paragraph, the council may, by the promulgation of  
6 administrative regulations in accordance with the provisions of KRS  
7 Chapter 13A, explicitly set the exact number of hours for basic training  
8 at a number different from nine hundred twenty-eight (928) hours based  
9 upon a training curriculum approved by the Kentucky Law Enforcement  
10 Council as determined by a validated job task analysis.
- 11 3. If the council sets an exact number of hours different from nine hundred  
12 twenty-eight (928) in an administrative regulation as provided by this  
13 paragraph, it shall not further change the number of hours required for  
14 basic training without promulgating administrative regulations in  
15 accordance with the provisions of KRS Chapter 13A.
- 16 4. Nothing in this paragraph shall be interpreted to prevent the council,  
17 pursuant to its authority under KRS 15.330, from approving training  
18 schools with a curriculum requiring attendance of a number of hours that  
19 exceeds nine hundred twenty-eight (928) hours or the number of hours  
20 established in an administrative regulation as provided by subparagraphs  
21 2. and 3. of this paragraph. However, the training programs and schools  
22 for the basic training of law enforcement personnel conducted by the  
23 department pursuant to KRS 15A.070 shall not contain a curriculum that  
24 requires attendance of a number of hours for basic training that is  
25 different from nine hundred twenty-eight (928) hours or the number of  
26 hours established in an administrative regulation promulgated by the  
27 council pursuant to the provisions of KRS Chapter 13A as provided by

- 1                   subparagraphs 2. and 3. of this paragraph.
- 2           5.   KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph
- 3           to the contrary notwithstanding, the council may, through the
- 4           promulgation of administrative regulations in accordance with KRS
- 5           Chapter 13A, approve basic training credit for:
- 6           a.   Years of service credit as a law enforcement officer with previous
- 7           service in another state; and
- 8           b.   Basic training completed in another state.
- 9           6.   KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph
- 10          to the contrary notwithstanding, the council may, through the
- 11          promulgation of administrative regulations in accordance with KRS
- 12          Chapter 13A, approve basic training credit for:
- 13          a.   Completion of eight hundred forty-eight (848) hours of training at
- 14          a school established pursuant to KRS 15A.070;
- 15          b.   A minimum of fifteen (15) years of experience as a certified law
- 16          enforcement instructor at a school established pursuant to KRS
- 17          15A.070;
- 18          c.   Completion of an average of forty (40) hours of Kentucky Law
- 19          Enforcement Council approved in-service training annually from
- 20          January 1, 1997, through January 1, 2020;
- 21          d.   Completion of all mandatory training obligations under KRS
- 22          15.334 from January 1, 1997, to January 1, 2020;
- 23          e.   Three (3) years of active, full-time service as a:
- 24               i.   City, county, urban-county, charter county, consolidated
- 25               local, or unified local government police officer;
- 26               ii.  Sheriff's deputy, excluding special deputies appointed under
- 27               KRS 70.045;

- 1                   iii. Department of Kentucky State Police officer; or
- 2                   iv. Kentucky Department of Fish and Wildlife Resources
- 3                   conservation officer exercising peace officer powers under
- 4                   KRS 150.090; and
- 5                f. Completion of the:
- 6                   i. Twenty-four (24) hour legal update Penal Code course;
- 7                   ii. Sixteen (16) hour legal update constitutional procedure
- 8                   course; and
- 9                   iii. Forty (40) hour basic officer skills course within one (1) year
- 10                  prior to applying for certification;
- 11       (e) Requires all police officers to successfully complete each calendar year an in-
- 12       service training course, appropriate to the officer's rank and responsibility and
- 13       the size and location of the officer's police department, of forty (40) hours'
- 14       duration, at a school certified or recognized by the council which may include
- 15       a four (4) hour course which meets the requirements of paragraph (j) of this
- 16       subsection. This in-service training requirement shall be waived for the period
- 17       of time that a peace officer is serving on active duty in the United States
- 18       Armed Forces. This waiver shall be retroactive for peace officers from the
- 19       date of September 11, 2001;
- 20       (f) Complies with all provisions of law applicable to police officers or police
- 21       departments, including transmission of data to the centralized criminal history
- 22       record information system as required by KRS 17.150 and transmission of
- 23       reports as required by KRS 15.391;
- 24       (g) Complies with all rules and regulations, appropriate to the size and location of
- 25       the police department issued by the cabinet to facilitate the administration of
- 26       the fund and further the purposes of KRS 15.410 to 15.510;
- 27       (h) Possesses a written policy and procedures manual related to domestic violence

1 for law enforcement agencies that has been approved by the cabinet. The  
2 policy shall comply with the provisions of KRS 403.715 to 403.785. The  
3 policy shall include a purpose statement; definitions; supervisory  
4 responsibilities; procedures for twenty-four (24) hour access to protective  
5 orders; procedures for enforcement of court orders or relief when protective  
6 orders are violated; procedures for timely and contemporaneous reporting of  
7 adult abuse and domestic violence to the Cabinet for Health and Family  
8 Services, Department for Community Based Services; victim rights,  
9 assistance, and service responsibilities; and duties related to timely completion  
10 of records;

11 (i) Possesses by January 1, 2017, a written policy and procedures manual related  
12 to sexual assault examinations that meets the standards provided by, and has  
13 been approved by, the cabinet, and which includes:

14 1. A requirement that evidence collected as a result of an examination  
15 performed under KRS 216B.400 be taken into custody within five (5)  
16 days of notice from the collecting facility that the evidence is available  
17 for retrieval;

18 2. A requirement that evidence received from a collecting facility relating  
19 to an incident which occurred outside the jurisdiction of the police  
20 department be transmitted to a police department with jurisdiction  
21 within ten (10) days of its receipt by the police department;

22 3. A requirement that all evidence retrieved from a collecting facility under  
23 this paragraph be transmitted to the Department of Kentucky State  
24 Police forensic laboratory within thirty (30) days of its receipt by the  
25 police department;

26 4. A requirement that a suspect standard, if available, be transmitted to the  
27 Department of Kentucky State Police forensic laboratory with the

1 evidence received from a collecting facility; and

2 5. A process for notifying the victim from whom the evidence was  
3 collected of the progress of the testing, whether the testing resulted in a  
4 match to other DNA samples, and if the evidence is to be destroyed. The  
5 policy may include provisions for delaying notice until a suspect is  
6 apprehended or the office of the Commonwealth's attorney consents to  
7 the notification, but shall not automatically require the disclosure of the  
8 identity of any person to whom the evidence matched; ~~and~~

9 (j) Requires all police officers to successfully complete by December 31, 2022,  
10 and every two (2) years thereafter, a training course certified by the council of  
11 not less than four (4) hours in emergency vehicle operation; and

12 (k) Possesses by July 1, 2023, a written policy and procedures manual related to  
13 body-worn cameras that meets the standards provided and approved by the  
14 cabinet, and which includes:

15 1. A requirement that the law enforcement agency provide body-worn  
16 cameras for each peace officer of the law enforcement agency who  
17 interacts with members of the public; and

18 2. A requirement that a peace officer wear and activate a body-worn  
19 camera when responding to a call for service or during any  
20 interaction with the public initiated by the peace officer, whether  
21 consensual or nonconsensual, for the purpose of enforcing the law or  
22 investigating possible violations of the law.

23 (2) A unit of government which meets the criteria of this section shall be eligible to  
24 continue sharing in the distribution of funds from the Law Enforcement Foundation  
25 Program fund only if the police department of the unit of government remains in  
26 compliance with the requirements of this section.

27 (3) Deputies employed by a sheriff's office shall be eligible to participate in the

1 distribution of funds from the Law Enforcement Foundation Program fund  
2 regardless of participation by the sheriff.

3 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection  
4 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis  
5 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a  
6 criminal action.

7 ➔Section 5. KRS 15.470 is amended to read as follows:

8 Law Enforcement Foundation Program funds made available to units of government shall  
9 be received, held, and expended in accordance with the provisions of KRS 15.410 to  
10 15.510, including the administrative regulations promulgated by the cabinet and the  
11 following specific restrictions:

12 (1) Funds provided shall be used only as a cash salary supplement to police officers, for  
13 payments to the retirement plan to which the officer belongs to cover employer  
14 retirement costs on the cash salary supplement, for purchases of body-worn  
15 cameras, and for administrative costs as provided in KRS 15.450;

16 (2) Funds provided shall be used only to compensate police officers who have complied  
17 with KRS 15.440(1)(c), (d), and (e);

18 (3) Each police officer shall be entitled to receive the state supplement that the officer's  
19 qualifications brought to the unit of government;

20 (4) Funds provided shall not be used to supplant existing salaries or as a substitute for  
21 normal salary increases periodically due to police officers;

22 (5) Each police officer receiving the state supplement who is also a member of the  
23 Kentucky National Guard or any reserve component of the United States Armed  
24 Forces shall continue to receive the state supplement during any period of military  
25 activation, as provided in KRS 15.460(2); and

26 (6) Funds distributed or received pursuant to subsection (5) of this section shall be  
27 excluded from all aspects of the Kentucky Retirement Systems or any other

1 retirement system.

2 ➔Section 6. KRS 42.726 (Effective April 1, 2021) is amended to read as follows:

- 3 (1) The Commonwealth Office of Technology shall be the lead organizational entity  
4 within the executive branch regarding delivery of information technology services,  
5 including application development and delivery, and shall serve as the single  
6 information technology authority for the Commonwealth.
- 7 (2) The roles and duties of the Commonwealth Office of Technology shall include but  
8 not be limited to:
- 9 (a) Providing technical support and services to all executive agencies of state  
10 government in the application of information technology;
  - 11 (b) Assuring compatibility and connectivity of Kentucky's information systems;
  - 12 (c) Developing strategies and policies to support and promote the effective  
13 applications of information technology within state government as a means of  
14 saving money, increasing employee productivity, and improving state services  
15 to the public, including electronic public access to information of the  
16 Commonwealth;
  - 17 (d) Developing, implementing, and managing strategic information technology  
18 directions, standards, and enterprise architecture, including implementing  
19 necessary management processes to assure full compliance with those  
20 directions, standards, and architecture;
  - 21 (e) Promoting effective and efficient design and operation of all major  
22 information resources management processes for executive branch agencies,  
23 including improvements to work processes;
  - 24 (f) Developing, implementing, and maintaining the technology infrastructure of  
25 the Commonwealth and all related support staff, planning, administration,  
26 asset management, and procurement for all executive branch cabinets and  
27 agencies except:



- 1           1. Agencies led by a statewide elected official;
- 2           2. The nine (9) public institutions of postsecondary education;
- 3           3. The Department of Education's services provided to local school
- 4           districts;
- 5           4. The Kentucky Retirement Systems, the County Employees Retirement
- 6           System, the Kentucky Public Pensions Authority, and the Teachers'
- 7           Retirement System;
- 8           5. The Kentucky Housing Corporation;
- 9           6. The Kentucky Lottery Corporation;
- 10          7. The Kentucky Higher Education Student Loan Corporation; and
- 11          8. The Kentucky Higher Education Assistance Authority;
- 12          (g) Facilitating and fostering applied research in emerging technologies that offer
- 13          the Commonwealth innovative business solutions;
- 14          (h) Reviewing and overseeing large or complex information technology projects
- 15          and systems for compliance with statewide strategies, policies, and standards,
- 16          including alignment with the Commonwealth's business goals, investment,
- 17          and other risk management policies. The executive director is authorized to
- 18          grant or withhold approval to initiate these projects;
- 19          (i) Integrating information technology resources to provide effective and
- 20          supportable information technology applications in the Commonwealth;
- 21          (j) Establishing a central statewide geographic information clearinghouse to
- 22          maintain map inventories, information on current and planned geographic
- 23          information systems applications, information on grants available for the
- 24          acquisition or enhancement of geographic information resources, and a
- 25          directory of geographic information resources available within the state or
- 26          from the federal government;
- 27          (k) Coordinating multiagency information technology projects, including

- 1 overseeing the development and maintenance of statewide base maps and  
2 geographic information systems;
- 3 (l) Providing access to both consulting and technical assistance, and education  
4 and training, on the application and use of information technologies to state  
5 and local agencies;
- 6 (m) In cooperation with other agencies, evaluating, participating in pilot studies,  
7 and making recommendations on information technology hardware and  
8 software;
- 9 (n) Providing staff support and technical assistance to the Geographic Information  
10 Advisory Council and the Kentucky Information Technology Advisory  
11 Council;
- 12 (o) Overseeing the development of a statewide geographic information plan with  
13 input from the Geographic Information Advisory Council;
- 14 (p) Developing for state executive branch agencies a coordinated security  
15 framework and model governance structure relating to the privacy and  
16 confidentiality of personal information collected and stored by state executive  
17 branch agencies, including but not limited to:
- 18 1. Identification of key infrastructure components and how to secure them;
  - 19 2. Establishment of a common benchmark that measures the effectiveness  
20 of security, including continuous monitoring and automation of  
21 defenses;
  - 22 3. Implementation of vulnerability scanning and other security  
23 assessments;
  - 24 4. Provision of training, orientation programs, and other communications  
25 that increase awareness of the importance of security among agency  
26 employees responsible for personal information; and
  - 27 5. Development of and making available a cyber security incident response

1 plan and procedure;

2 (q) Assisting any state or local law enforcement agency in establishing or  
3 operating a body-worn camera program, including cameras, electronic  
4 storage devices and procedures, training, and participation in or  
5 administration of cooperative purchasing agreements pursuant to KRS  
6 45A.295 to 45A.320 to facilitate a body-worn camera program; and

7 ~~(r)(e)~~ Preparing proposed legislation and funding proposals for the General  
8 Assembly that will further solidify coordination and expedite implementation  
9 of information technology systems.

10 (3) The Commonwealth Office of Technology may:

11 (a) Provide general consulting services, technical training, and support for generic  
12 software applications, upon request from a local government, if the executive  
13 director finds that the requested services can be rendered within the  
14 established terms of the federally approved cost allocation plan;

15 (b) Promulgate administrative regulations in accordance with KRS Chapter 13A  
16 necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420,  
17 186A.040, and 186A.285;

18 (c) Solicit, receive, and consider proposals from any state agency, federal agency,  
19 local government, university, nonprofit organization, private person, or  
20 corporation;

21 (d) Solicit and accept money by grant, gift, donation, bequest, legislative  
22 appropriation, or other conveyance to be held, used, and applied in accordance  
23 with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, and 186A.285;

24 (e) Make and enter into memoranda of agreement and contracts necessary or  
25 incidental to the performance of duties and execution of its powers, including,  
26 but not limited to, agreements or contracts with the United States, other state  
27 agencies, and any governmental subdivision of the Commonwealth;

- 1 (f) Accept grants from the United States government and its agencies and  
2 instrumentalities, and from any source, other than any person, firm, or  
3 corporation, or any director, officer, or agent thereof that manufactures or sells  
4 information resources technology equipment, goods, or services. To these  
5 ends, the Commonwealth Office of Technology shall have the power to  
6 comply with those conditions and execute those agreements that are  
7 necessary, convenient, or desirable; and
- 8 (g) Purchase interest in contractual services, rentals of all types, supplies,  
9 materials, equipment, and other services to be used in the research and  
10 development of beneficial applications of information resources technologies.  
11 Competitive bids may not be required for:
- 12 1. New and emerging technologies as approved by the executive director or  
13 her or his designee; or
  - 14 2. Related professional, technical, or scientific services, but contracts shall  
15 be submitted in accordance with KRS 45A.690 to 45A.725.
- 16 (4) Nothing in this section shall be construed to alter or diminish the provisions of KRS  
17 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and  
18 Records Commission and the Department for Libraries and Archives.
- 19 (5) The Commonwealth Office of Technology shall, on or before October 1 of each  
20 year, submit to the Legislative Research Commission a report in accordance with  
21 KRS 57.390 detailing:
- 22 (a) Any security breaches that occurred within organizational units of the  
23 executive branch of state government during the prior fiscal year that required  
24 notification to the Commonwealth Office of Technology under KRS 61.932;
  - 25 (b) Actions taken to resolve the security breach, and to prevent additional security  
26 breaches in the future;
  - 27 (c) A general description of what actions are taken as a matter of course to protect

- 1                   personal data from security breaches; and
- 2           (d) Any quantifiable financial impact to the agency reporting a security breach.