

17.150 Reports by law enforcement officers and criminal justice agencies -- Public inspection exemptions -- Administrative regulations -- Information from the Court of Justice.

- (1) Every sheriff, chief of police, coroner, jailer, prosecuting attorney, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, mental hospital, or institution for the intellectually disabled; Department of Kentucky State Police; state fire marshal; Board of Alcoholic Beverage Control; Cabinet for Health and Family Services; Transportation Cabinet; Department of Corrections; Department of Juvenile Justice; and every other person or criminal justice agency, except the Court of Justice and the Department for Public Advocacy, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the cabinet, shall:
 - (a) Install and maintain records needed for reporting data required by the cabinet;
 - (b) Report to the cabinet as and when the cabinet requests all data demanded by it, except that the reports concerning a juvenile delinquent shall not reveal the juvenile's or the juvenile's parents' identity;
 - (c) Give the cabinet or its accredited agent access for purpose of inspection; and
 - (d) Cooperate with the cabinet to the end that its duties may be properly performed.
- (2) Intelligence and investigative reports maintained by criminal justice agencies are subject to public inspection if prosecution is completed or a determination not to prosecute has been made. However, portions of the records may be withheld from inspection if the inspection would disclose:
 - (a) The name or identity of any confidential informant or information which may lead to the identity of any confidential informant;
 - (b) Information of a personal nature, the disclosure of which will not tend to advance a wholesome public interest or a legitimate private interest;
 - (c) Information which may endanger the life or physical safety of law enforcement personnel; or
 - (d) Information contained in the records to be used in a prospective law enforcement action.
- (3) When a demand for the inspection of the records is refused by the custodian of the record, the burden shall be upon the custodian to justify the refusal of inspection with specificity. Exemptions provided by this section shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this section.
- (4) Centralized criminal history records are not subject to public inspection. Centralized history records mean information on individuals collected and compiled by the Justice and Public Safety Cabinet from criminal justice agencies and maintained in a central location consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any disposition arising therefrom, including sentencing, correctional supervision, and release. The information shall be restricted to that recorded as the result of the initiation of criminal proceedings or any proceeding related thereto. Nothing in this subsection shall apply to documents maintained by criminal justice agencies which are the source of information collected by the Justice and Public Safety Cabinet. Criminal justice agencies shall retain the documents and no

official thereof shall willfully conceal or destroy any record with intent to violate the provisions of this section.

- (5) The provisions of KRS Chapter 61 dealing with administrative and judicial remedies for inspection of public records and penalties for violations thereof shall be applicable to this section.
- (6) The secretary of justice and public safety shall adopt the administrative regulations necessary to carry out the provisions of the criminal history record information system and to insure the accuracy of the information based upon recommendations submitted by the commissioner, Department of Kentucky State Police.
- (7) The Administrative Office of the Courts may, upon suitable agreement between the Chief Justice and the secretary of justice and public safety, supply criminal justice information and data to the cabinet. No information, other than that required by KRS 27A.350 to 27A.420 and 27A.440, shall be solicited from a circuit clerk, justice or judge, court, or agency of the Court of Justice unless the solicitation or request for information is made pursuant to an agreement which may have been reached between the Chief Justice and the secretary of justice and public safety.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 141, sec. 2, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 85, sec. 83, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 15, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 74, effective July 15, 1998; and ch. 606, sec. 14, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 211, sec. 5, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 331, sec. 11, effective July 15, 1986; and ch. 389, sec. 27, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 61, sec. 1, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 5, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 191, sec. 5. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 31. -- Created 1968 Ky. Acts ch. 128, sec. 4.

Legislative Research Commission Note (6/26/2007). Although 2007 Ky. Acts ch. 85, sec. 83, contains a reference to the "Department of Public Advocacy," the entity created by 2007 Ky. Acts ch. 85, secs. 7 and 40, and Executive Order 2006-805 is the "Department for Public Advocacy." In accordance with 2007 Ky. Acts ch. 85, sec. 335, and KRS 7.136, the erroneous reference in this section has been corrected in codification.