

67.374 County global positioning monitoring system program -- Request for and acceptance of public bids -- Monitoring of successful bidder -- Other uses of program permitted -- Confidentiality of system information.

- (1) "Global positioning monitoring system" has the same meaning as in KRS 403.720.
- (2) A county or combination of counties electing to participate in a global positioning monitoring system program shall, by ordinance, set other requirements for global positioning monitoring system devices and for the operation of the global positioning monitoring system which shall include, at a minimum, the requirements contained in KRS 403.715 to 403.785 and the provisions of this section and KRS 67.372.
- (3) A county or combination of counties electing to participate in a global positioning monitoring system program shall, through a public bid process, select an entity or entities to provide the best available technology with regard to global positioning monitoring system devices that meet the requirements of this section and KRS 67.372, 403.720, 403.747, 403.750, and 403.761 and a system that meets those same requirements, including but not limited to the acceptance of reduced fees for petitioners and indigent persons ordered to wear a monitoring device.
- (4) A person, county, or combination of counties electing to participate in a global positioning monitoring system program shall continuously monitor the performance of successful bidders, receive complaints regarding service, and conduct hearings pursuant to KRS Chapter 13B which may result in penalties as set out in the contract against an entity providing global positioning monitoring system services or which may result in cancellation of the contract with the provider of the service, or both. The provisions of this subsection shall be part of any bid offering and any contract entered into between the county or combination of counties and an entity providing global positioning monitoring system services.
- (5) A county or combination of counties electing to operate a global positioning monitoring system program may utilize that program for:
 - (a) Monitoring a domestic violence respondent and petitioner pursuant to KRS 403.715 to 403.785;
 - (b) Monitoring the pretrial release of a person charged with a crime pursuant to KRS 431.515 to 431.550;
 - (c) Monitoring a person assigned to a pretrial diversion program pursuant to KRS 533.250 to 533.262; and
 - (d) Monitoring a person granted probation or conditional discharge pursuant to KRS Chapter 533.
- (6) Information obtained by a global positioning monitoring system shall not be a public record.
- (7) Information obtained by a global positioning monitoring system shall be used only for the purpose of verifying the location of the monitored person. Global positioning monitoring system information obtained from persons subject to monitoring pursuant to KRS 403.715 to 403.785 shall not be utilized for any criminal investigation, prosecution, or other criminal justice related purpose without a valid

search warrant or order issued by a court of competent jurisdiction. Information obtained in violation of this subsection or without a valid search warrant or court order shall be inadmissible in court for any purpose.

- (8) Any person or organization who knowingly or wantonly divulges global positioning monitoring system information about any person in violation of subsection (6) or (7) of this section shall be guilty of a Class A misdemeanor.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 170, sec. 10, effective July 15, 2010.