

**164.948 Definitions for KRS 164.9481, 164.9483, and 164.9485.**

As used in KRS 164.9481, 164.9483, and 164.9485, unless the context requires otherwise:

- (1) "Campus" means all property owned, managed, or controlled by an institution of postsecondary education including but not limited to academic buildings; student housing and recreational facilities; residential facilities operated by any officially recognized student organization; all sections of public property such as streets, sidewalks, and parking facilities immediately contiguous to campus buildings; and remote facilities leased for use as classroom space or student living.
- (2) "Campus security authority" means campus police, security officers, and any official at a postsecondary education institution who has significant responsibility for student and campus activities, including student discipline, student housing, student judicial affairs, and student life administration. Professional mental health, pastoral, and other licensed counselors when functioning in that capacity are not considered campus security authorities.
- (3) "Crime" means murder, manslaughter, reckless homicide, assault, menacing, wanton endangerment, terroristic threatening, stalking, forcible or nonforcible sex offenses, burglary, criminal damage to property, arson, theft, motor vehicle theft, robbery, weapons possession, and criminal attempt for any of the aforementioned crimes, and arrests for drug-related violations and liquor law violations.
- (4) "Immediately" means before the last fire unit has left the scene in order for the fire marshal's office to have the opportunity to speak with fire unit personnel before they leave the scene, but no later than two (2) hours following the time the fire or threat of fire is discovered. In the event of a minor fire to which the local fire officials are not called or do not respond, "immediately" means no later than one (1) hour following the discovery of the fire.
- (5) "Postsecondary education institution" means any Kentucky public four (4) year institution or two (2) year community college or technical college that grants a postsecondary education credential, and any private college or university that is licensed by the Council on Postsecondary Education under KRS 164.945 to 164.947.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 166, sec. 2, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 190, sec. 1, effective July 14, 2000.

**164.9481 Duty of postsecondary institution to maintain crime log -- Duty to report to campus community on crimes and threats to safety or security of students and employees.**

- (1) Crime log:
  - (a) Each postsecondary education institution shall make, keep, and maintain a daily log, written in a form approved by the Council on Postsecondary Education that can be easily understood, recording all crimes occurring on campus and reported to campus security authorities or local law enforcement agencies, including:
    1. The category of crime, and a description of the incident, date, time, and general location of each crime; and
    2. The disposition of the complaint if known, including referral for prosecution, institutional disciplinary proceedings, or investigation by another state agency. The disposition shall include a reference to an investigation or incident report number.
  - (b) All entries in the campus crime log shall be made available for public inspection within twenty-four (24) hours after the first report of an incident was made to any campus security authority or local law enforcement officials.
    1. If there is clear and convincing evidence that the release of the information would cause a suspect to flee or evade detection, would result in the destruction of evidence, or is prohibited from release by law, the information may be withheld until that damage is no longer likely to occur from the release of the information. Only the information that is absolutely necessary to withhold for the reasons stated in this paragraph may be withheld; all other information shall be released.
    2. In the event information is withheld under the provisions of paragraph (a) of this subsection, the crime shall still be reported and made available for public inspection.
  - (c) The campus crime log required by this section shall be readily accessible and open for public inspection at all times and shall be made available on campus computer networks to which students, employees, and other campus community members have access. Each semester the institution shall notify currently enrolled students, students applying to the institution, and employees of the availability of the campus crime log, where it can be accessed, and the exact electronic address on the computer network.
- (2) Special reports: In addition to the campus crime log, each postsecondary education institution shall make timely reports to the campus community on crimes reported to campus security authorities or local law enforcement authorities determined by those authorities to present a safety or security threat to students or employees.
  - (a) The reports shall be made available to students and employees within twenty-four (24) hours after an incident is first reported.
  - (b) The information shall be reported in a manner that will aid in the prevention of similar occurrences.

- (c) Institutions shall use computer networks and post the reports in each residential facility. The institution may also use flyers and other campus publications including newspapers, and other media.
- (d) Each institution shall adopt a policy to comply with this requirement and the policy shall be included in the postsecondary education institution's annual campus safety and security report published in compliance with KRS 164.9485.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 190, sec. 2, effective July 14, 2000.

**164.9483 Jurisdiction and powers of state fire marshal -- Duty of campus security authorities to report fire or threat of fire to fire marshal.**

- (1) Under the provisions of KRS Chapter 227, the state fire marshal shall have jurisdiction over all property in the state including property of public postsecondary education institutions and property of any private college or university that is licensed by the Council on Postsecondary Education as provided for by KRS 164.945 to 164.947, insofar as it is necessary for the administration and enforcement of any duty imposed on the office by law or administrative regulation and all laws, ordinances, regulations, and orders designed to protect the public from fire loss.
- (2) The state fire marshal or the fire marshal's employee or appointee may, without delay or advance notice and at all reasonable hours of the day or night, enter in or upon any property defined under KRS 227.200 located on the campus to make an inspection, investigation, or any other action necessary for the purpose of preventing fire loss or determining the origin of any fire.
- (3) No person shall obstruct, hinder, or delay such an officer in the performance of his or her duty.
- (4) Upon learning of a fire or threat of fire, a campus security authority designated by the college or university president to be responsible and liable for reporting shall immediately report each fire or threat of fire to the state fire marshal's office in Frankfort and the local deputies, assistants, and employees appointed under KRS 227.230. No fire scene located on a campus shall be cleared or cleaned without the express consent of the state fire marshal to do so after a representative of the fire marshal's office has had an opportunity to investigate the scene.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 166, sec. 3, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 190, sec. 3, effective July 14, 2000.

**164.9485 Duty of postsecondary institution to submit statement of policies concerning campus safety and security.**

Effective September 1, 2000, and each year thereafter, each postsecondary education institution shall submit to the Council on Postsecondary Education a statement of current policies concerning campus safety and security including, but not limited to:

- (1) The enforcement authority of security personnel, including their working relationship with state and local police agencies;
- (2) A description of programs designed to inform students and employees about the campus safety and security procedures and practices, how to report crimes, and how to prevent crimes; and
- (3) Statistics concerning the occurrence of crimes on campus during the most recent calendar year. The statistical data shall be reported by the number of occurrences based on:
  - (a) Location, broken down in the following classifications:
    1. Total number on campus:
      - a. Subtotal of occurrences indicating specifically those in dormitories or other residential facilities;
      - b. Subtotal of occurrences indicating specifically those in or on noncampus buildings or property; and
    2. On public property contiguous to the campus.
  - (b) Category of crime committed:
    1. As defined in KRS 164.948; and
    2. By category of prejudice, any crime reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 190, sec. 4, effective July 14, 2000.

**164.9487 Duty of postsecondary institution to obtain statistics and crime reports --  
Limitation of liability -- Reporting formats.**

- (1) In complying with the statistical and reporting requirements mandated in KRS 164.948 to 164.9489 and KRS 164.993, an institution shall make a reasonable, good-faith effort to obtain statistics and crime reports from outside agencies. An institution that makes such an effort is not responsible for an outside agency's failure to provide statistics or crime reports or for verifying the accuracy of the statistics or reports that are provided.
- (2) The Council on Postsecondary Education shall specify formats for reporting to ensure uniformity.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 190, sec. 5, effective July 14, 2000.

**164.9489 Short title for KRS 164.948 to 164.9489 and KRS 164.993.**

KRS 164.948 to 164.9489 and KRS 164.993 may be cited as the Michael Minger Act.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 190, sec. 7, effective July 14, 2000.

**164.9490 Michael Minger/Priddy fire prevention fund.**

Civil fines collected by the state fire marshal pursuant to KRS 164.993 shall be paid into the State Treasury and credited to a trust and agency fund known as the "Michael Minger/Priddy fire prevention fund." The funds shall be used by the fire marshal to educate students and personnel of postsecondary education institutions regarding the dangers of fire and methods of fire prevention, and to investigate the source of any fires or threats of fire that take place on the campus of a postsecondary education institution. No portion of this fund shall lapse into the general fund at the end of the year.

**Effective:** July 15, 2002

**History:** Created 2002 Ky. Acts ch. 166, sec. 1, effective July 15, 2002.

**164.9492 Duty of public or private postsecondary institution to disclose existence or nonexistence of automatic fire suppression system in on-campus housing facility -- Exemption.**

- (1) Any public or private institution of postsecondary education which operates or acts as agent for an on-campus housing facility within the Commonwealth shall disclose to any potential lessee as to whether the on-campus housing facility is or is not equipped with an automatic fire suppression system.
- (2) Except as provided in subsection (4) of this section, a two (2) part written disclosure statement separate from other rental documents, with typeface of no less than fourteen (14) points, shall be signed by both parties acknowledging that disclosure of the presence or lack of an automatic fire suppression system has been made.
- (3) The potential lessee shall be given a copy of the disclosure form and a copy shall be retained by the lessor for the duration of the rental agreement. At the end of each calendar year, institutions of postsecondary education shall make available, upon request from the state fire marshal or any local fire official, a copy of the disclosure form and an affidavit certifying that disclosure as to whether or not the premises were equipped with an automatic fire suppression system were provided as part of any rental agreement.
- (4) If the institution has an automatic fire suppression system in place and properly functioning at every on-campus housing facility under the control of the institution, the institution shall be exempt from this section.

**Effective:** July 13, 2004

**History:** Created 2004 Ky. Acts ch. 110, sec. 1, effective July 13, 2004.

**Legislative Research Commission Note (7/13/2004).** Although 2004 Ky. Acts ch. 110, sec. 1, indicated that this section was to be created as a new section on KRS 383.010 to 383.285, the statute has been codified in KRS Chapter 164 due to the subject matter of the section and in accordance with KRS 7.136(1)(a).

**164.9495 Disabled student given priority for first-floor housing -- On-campus or off-campus alternative -- Notification to safety and emergency personnel.**

- (1) A postsecondary education institution as defined in KRS 164.948 shall provide priority for first-floor housing to any student who informs the institution of a disability, or a sensory, cognitive, or neurological deficit or impairment, or a learning disorder, minimal brain dysfunction, dyslexia, pervasive developmental disorder, autism, or Asperger syndrome. As used in this section, "disability" has the same meaning as in KRS 344.010.
- (2) If the postsecondary education institution does not have available first-floor housing for a student as provided under subsection (1) of this section, the postsecondary education institution shall allow the student to seek alternative on-campus or off-campus housing. The postsecondary education institution shall maintain a record of any on-campus housing assignment for that student and shall alert appropriate safety and emergency personnel of the location of the student.

**Effective:** July 13, 2004

**History:** Created 2004 Ky. Acts ch. 119, sec. 3, effective July 13, 2004.

**164.993 Penalties for violation of KRS 164.9481 or 164.9483.**

- (1) Any person, including campus personnel, who knowingly violates the provisions of KRS 164.9481 and 164.9483, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not less than five hundred dollars (\$500), nor more than one thousand five hundred dollars (\$1,500), or imprisoned in the county jail for up to thirty (30) days, or both.
- (2) In addition to the penalties required in subsection (1) of this section, any person or any postsecondary education institution who violates the provisions of KRS 164.9483 shall be liable for a civil penalty of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) per violation for each day the violation occurs or remains in effect. The state fire marshal shall have the authority, after investigation, to assess and collect the fines. Any person or postsecondary education institution aggrieved by an assessment of a civil fine may appeal to the Franklin Circuit Court.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 166, sec. 4, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 190, sec. 6, effective July 14, 2000.