

AN ACT relating to public records.

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

➔SECTION 1. A NEW SECTION OF KRS 65.750 TO 65.760 IS CREATED TO READ AS FOLLOWS:

(1) The tape of any communication or any information contained therein received by a public safety answering point, emergency dispatch center, law enforcement agency, fire department, rescue squad, emergency medical services agency, or any similar agency by telephone or otherwise shall not be a public record.

(2) (a) In accordance with the provisions of paragraph (b) of this subsection, a court may order the release of a transcript of the information contained in a communication specified in subsection (1) of this section pursuant to KRS 61.878 if the court secures the written permission of the person making the communication and any person who is the subject of the communication prior to the release of the information.

(b) The court order allowing the release of information shall:

1. Allow the release of a transcript of the information contained in the communication but not the release of the tape or recording of the communication;
2. Require the redaction of personal identifying information, medical information, communications between an agency and a caller relating to medical information, or similar information from the information released;
3. Require the redaction of information that may hamper or compromise an investigation by a peace officer or law enforcement agency or a fire department;
4. Require the redaction of information that might tend to prejudice a defendant or potential defendant in a criminal proceeding; and

5. Permit the agency making the transcript of a 911 tape released pursuant to this section to charge a fee not to exceed one dollar (\$1) per page for the transcript not to exceed a maximum fee of twenty dollars (\$20) if more than twenty (20) pages are transcribed.
- (3) Upon application by an elected peace officer or head of a law enforcement agency, a court may order the release of a copy of the actual tape or recording of the communication specified in subsection (1) for use by the agency in the investigation or prosecution of a matter within the jurisdiction of the agency. A request pursuant to this subsection shall include sufficient facts and other information for the court to determine whether the release of a copy of the tape of the actual recording is justified.
- (4) (a) In lieu of the procedure specified in subsections (2) and (3) of this section, an organization specified in subsection (1) of this section shall release a copy of the actual communication specified in subsection (1) upon receipt of the signed and dated written request of both the person making the communication and any person who is the subject of the communication.
- (b) In the event that a minor is the person making the communication or is the subject of the communication, the request shall be made by the parent or legal guardian of the minor.
- (5) In lieu of the procedure specified in subsections (2) and (3) of this section, upon request of the prosecution or defense in a criminal proceeding or the plaintiff or defendant in a civil proceeding, the court may order the release of a copy of the actual tape or recording of a communication protected by this section for use in a criminal or civil proceeding and in the preparation for such a proceeding. Any copy of such a communication shall be released to all parties to the proceeding unless a party informs the court that the party does not desire a copy of the communication.