67.372 County administration of global positioning monitoring system program -- Conditions -- Agreements between counties -- Administrative fee.

Any county or combination of counties may operate a global positioning monitoring system program subject to the following conditions:

(1) The program shall be assigned by ordinance to a county department or county agency that agrees to operate or supervise the program continuously, twenty-four (24) hours per day, seven (7) days per week;

(2) Each county shall identify a law enforcement agency or agencies with jurisdiction in the county to assist a petitioner, victim, or witness when a person ordered to wear a monitoring device violates the provisions of the court's order and is in need of assistance;

(3) A county or counties electing to contract with an entity providing a global positioning monitoring system and devices shall meet not less than all of the requirements of this section and KRS 403.761;

(4) Each county shall monitor the performance of the entity providing the global positioning system and devices and shall have a provision in the contract with the monitoring entity agreeing to the termination of the contract in the event of serious or continued violations of the contract;

(5) Any system chosen shall use the most appropriate global positioning technology to track the person ordered to wear the monitoring device and shall include technology that:

(a) In a domestic violence case under KRS 403.715 to 403.785:

1. Notifies law enforcement or other monitors of any breach of the court-ordered boundaries;

2. Notifies the petitioner in a timely manner of any breach; and

3. Allows monitors to communicate directly with the person ordered to wear the monitoring device; and

(b) In other situations in which monitoring is authorized by KRS 67.374, 403.762, 431.517, 431.518, 431.520, 533.030, and 533.250 the contracting county or combination of counties shall, in the contract, specify the type and level of global positioning monitoring system services desired;

(6) The monitoring entity shall agree to a price for monitoring during the duration of the contract which shall not be increased but may be reduced during the duration of the contract. The contract shall provide that reduced payments shall be accepted by the vendor as a full payment for all purposes from persons determined to be indigent by a court or other authority ordering the use of monitoring. In bidding for the contract the vendor may take into account that some monitored persons will not be able to pay the full cost of the monitoring or may not be able to pay any cost for the monitoring. The contract shall specify that no unit of state or local government and no public officer or employee shall be liable for the costs of monitoring under the contract. Notwithstanding the provisions of this subsection, a county or counties may agree to pay all or a part of the monitoring fee to the monitoring entity if the county would have otherwise been required by a court to place a person in jail

at county expense and the cost of the monitoring is less than the cost of placing the person in jail;

(7) Agreements between counties for monitoring services may, with the approval of their governing bodies, be consummated by a contract signed by all counties party thereto or by an interlocal cooperation agreement;

(8) A county utilizing a global positioning monitoring system program may charge an administrative fee to a person ordered to participate in a global positioning monitoring program to provide for the county's cost in administering the monitoring program. The fee shall be set by ordinance and shall be in addition to the fee charged by the entity contracted to provide the monitoring; and

(9) KRS 403.720, 403.740, 403.741, 403.743, 403.747, 403.750, 403.761, and 403.762 shall not apply to a person ordered to participate in a global positioning monitoring system under KRS 431.517, 431.518, 431.520, 533.030, and 533.250. The provisions of a court order that relate to a person ordered to participate in a global positioning monitoring system pursuant to KRS 431.517, 431.518, 431.520, 533.030, and 533.250 shall govern that person's conduct and any reporting or other requirements ordered by the court.

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