

CHAPTER 480**(HB 544)**

AN ACT relating to law enforcement.

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

Section 1. KRS 15.310 is amended to read as follows:

As used in KRS 15.315 to 15.510, 15.990, and 15.992, unless the context otherwise requires:

- (1) "Basic training course" means the peace officer basic training course provided by the Department of Criminal Justice Training or a course approved and recognized by the Kentucky Law Enforcement Council~~[pursuant to KRS 15.440]~~;
- (2) "Certified peace officer" means a peace officer who is certified under KRS 15.380 to 15.402;
- (3) "Certification" means the act by the council of issuing certification to a peace officer who successfully completes the training requirements~~[established or approved by the Kentucky Law Enforcement Council]~~ pursuant to *Section 5 of this Act*~~[KRS 15.440]~~ and the requirements set forth within this chapter;
- (4) "Council" means the Kentucky Law Enforcement Council established by KRS 15.315 to 15.510, 15.990, and 15.992;
- (5) "Department" means the Department of Criminal Justice Training of the Justice Cabinet;
- (6) "Law enforcement officer" means a member of a lawfully organized police unit or police force of county, city or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as sheriffs, sworn deputy sheriffs, campus security officers, law enforcement support personnel, public airport authority security officers, other public and federal peace officers responsible for law enforcement, and special local peace officers licensed pursuant to KRS 61.360;
- (7) "Peace officer" means a person defined in KRS 446.010;
- (8) "Secretary" means the secretary of the Justice Cabinet; and
- (9) "Validated job task analysis" means the minimum entry level qualifications and training requirements for peace officers in the Commonwealth based upon an actual survey and study of police officer duties and responsibilities conducted by an entity recognized by the Kentucky Law Enforcement Council as being competent to conduct such a study.

Section 2. KRS 15.330 is amended to read as follows:

- (1) The council is vested with the following functions and powers:
 - (a) To prescribe standards for the approval and continuation of approval of schools at which law enforcement training courses required under KRS 15.310 to 15.510 and KRS 15.990 to 15.992 shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum, and hours of attendance related thereto;
 - (b) To prescribe minimum qualifications for instructors at such schools, except that institutions of higher education shall be exempt from council requirements;
 - (c) To prescribe qualifications for attendance and conditions for expulsion from such schools;

- (d) To approve, to issue, and to revoke for cause certificates to schools and instructors as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;
 - (e) To approve law enforcement officers and other persons as having met requirements under KRS 15.310 to 15.510 and KRS 15.990 to 15.992;
 - (f) To inspect and evaluate schools at any time and to require of schools, instructors, and persons approved or to be approved under the provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992, any information or documents;
 - (g) To *promulgate*~~recommend~~ reasonable rules and *administrative* regulations *in accordance with KRS Chapter 13A*~~to the secretary~~ to accomplish the purposes of KRS 15.310 to 15.510 and KRS 15.990 to 15.992;
 - (h) To monitor the Law Enforcement Foundation Program as prescribed in KRS 15.410 to 15.510;
 - (i) To adopt bylaws for the conduct of its business not otherwise provided for; and
 - (j) The council shall have the authority to certify police officers as set out in this chapter.
- (2) The provisions of KRS 15.310 to 15.510 and KRS 15.990 to 15.992 do not apply to the Department of State Police except for the certification requirement established by this chapter.

Section 3. KRS 15.380 is amended to read as follows:

- (1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified:
 - (a) State Police officers, *but for the commissioner of the State Police*;
 - (b) City, county, and urban-county police officers;
 - (c) Deputy sheriffs, except those identified in KRS 70.045 and 70.263(3);
 - (d) State or public university safety and security officers appointed pursuant to KRS 164.950;
 - (e) School security officers employed by local boards of education who are special law enforcement officers appointed under KRS 61.902;
 - (f) Airport safety and security officers appointed under KRS 183.880;
 - (g) Department of Alcoholic Beverage Control field representatives and investigators appointed under KRS 241.090; and
 - (h) Division of Insurance Fraud Investigators appointed under KRS 304.47-040.
- (2) The requirements of KRS 15.380 to 15.402 for certification may apply to all state peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be incorporated by the Department of Personnel for job specifications.
- (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.402 for all peace officers possessing arrest powers who have specialized law enforcement responsibilities shall be the responsibility of the employing agency.
- (4) The following officers may, upon request of the employing agency, be certified by the council:

- (a) Deputy coroners;
 - (b) Deputy constables;
 - (c) Deputy jailers;
 - (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
 - (e) Officers appointed under KRS 61.360;
 - (f) Officers appointed under KRS 61.902, except those who are school security officers employed by local boards of education;
 - (g) Private security officers; and
 - (h) Employees of a correctional services division created pursuant to KRS 67A.028 and employees of a metropolitan correctional services department created pursuant to KRS 67B.010 to 67B.080.
- (5) The following officers shall be exempted from the certification requirements but may upon their request be certified by the council:
- (a) Sheriffs;
 - (b) Coroners;
 - (c) Constables;~~{and}~~
 - (d) Jailers; *and*
 - (e) *Commissioner of the State Police.*
- (6) Federal peace officers cannot be certified under KRS 15.380 to 15.402.

Section 4. KRS 15.382 is amended to read as follows:

A person certified after December 1, 1998, under KRS 15.380 to 15.402 shall, at the time of becoming certified, meet the following minimum qualifications:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-one (21) years of age;
- (3) Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination;
- (4) Possess a valid license to operate a motor vehicle;
- (5) Be fingerprinted for a criminal background check;
- (6) Not have been convicted of any felony;
- (7) Not be prohibited by federal or state law from possessing a firearm;
- (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
- (9) Have *not* received a *dishonorable*~~{an honorable}~~ discharge, *or general discharge under other than honorable conditions* if having served in any branch of the armed forces of the United States;

- (10) Have passed a medical examination *as defined* by the council *by administrative regulation* to determine if he can perform peace officer duties as determined by a validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall pass the medical examination, appropriate to the agency's job task analysis, of the employing agency. All agencies shall certify passing medical examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;
- (11) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.315 to 15.510;
- (12) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a peace officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.315 to 15.510;
- (13) Have been interviewed by the employing agency;
- (14) Not have had certification as a peace officer permanently revoked in another state;
- (15) Have taken a psychological *suitability screening* ~~examination~~ administered or approved by the council by administrative regulation to determine the person's suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take that agency's psychological examination, appropriate to the agency's job task analysis. All agencies shall certify psychological examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;
- (16) Have passed a physical agility test administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take the physical agility examination of the employing agency. All agencies shall certify physical agility examination results to the council, which shall accept them as demonstrating compliance with KRS 15.315 to 15.510; and
- (17) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a peace officer to the council, which shall accept them as complying with KRS 15.315 to 15.510.

SECTION 5. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

- (1) *Any peace officers employed or appointed after December 1, 1998, who have not successfully completed basic training at a school certified or recognized by the Kentucky Law Enforcement Council, shall within one (1) year of their appointment or employment,*

successfully complete at least six hundred forty (640) hours of basic training at a school certified or recognized by the Kentucky Law Enforcement Council.

- (2) *All peace officers with active certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council, that is appropriate to the officer's rank and responsibility and the size and location of his department.*
- (3) *In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the basic or in-service training within the time specified in subsections (1) and (2) of this section, the secretary of the Justice Cabinet or his designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days in which to complete the training. Any peace officer who fails to successfully complete the basic or in-service training within the specified time period shall lose his law enforcement powers and certification status.*
- (4) *An officer who has lost his law enforcement powers due solely to his failure to meet the training requirements of this section or any other applicable provision of Kentucky law mandating law enforcement training may regain his certification status and law enforcement powers upon successful completion of the training deficiency.*

Section 6. KRS 15.386 is amended to read as follows:

The following certification categories shall exist:

- (1) Precertification status. The officer is currently employed or appointed by an agency and meets or exceeds all those minimum qualifications set forth in KRS 15.382, but has not successfully completed a basic training course, except those officers covered by KRS 15.400. ***Upon the council's verification that the minimum qualifications have been met,*** the officer shall have full peace officer powers as authorized under the statute under which he was appointed or employed. If an officer fails to successfully complete a basic training course within one (1) year of employment, his enforcement powers shall automatically terminate, and he shall not exercise peace officer powers in the Commonwealth until he has successfully completed a basic training course.
- (2) Certification status. Unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has met all training requirements. The officer shall have full peace officer powers as authorized under the statute under which he was appointed or employed.
- (3) Inactive status.
 - (a) The person has been separated ***on or after December 1, 1998,*** from the agency by which he was employed or appointed and has no peace officer powers; ***or***
 - ~~(b) The person has been employed by another agency in a non-peace officer position; or~~
 - ~~(c) The person is on military active duty for a period exceeding three hundred sixty-five (365) days.~~

The person may remain on inactive status. A person who is on inactive status and who returns to a peace officer position shall have certification status restored if he has not committed an act for which his certified status may be revoked pursuant to KRS 15.380 to 15.402 and by successfully completing forty (40) hours of in-service training as prescribed by the council.

- (4) Revoked or denied status. The officer has no enforcement powers and has been separated from an enforcement agency for any one (1) of the following reasons:
 - (a) Failure to meet or maintain training requirements;
 - (b) Willful falsification of information to obtain or maintain certified status;
 - (c) Certification was the result of an administrative error;
 - (d) Plea of guilty to, conviction of, or entering of an Alford plea to any felony; (e) Prohibition by federal or state law from possessing a firearm.
- (5) The design of a certificate may be changed periodically. When a new certificate is produced, it shall be distributed free of charge to each currently certified peace officer.

Section 7. KRS 15.388 is amended to read as follows:

- (1) Within five (5) working days of employment or appointment, the chief executive officer of the employing agency, or his designee, shall file a report with the council certifying that the newly employed officer is certified or meets or exceeds the precertification qualifications of KRS 15.382.
- (2) If the person is certified, the council shall continue certified status.
- (3) If the person is on inactive status, the council shall upgrade to certified status unless the certification is revoked as provided by KRS 15.380 to 15.402.
- (4) If the person is not certified and not on inactive status, the council shall designate the person as being in precertification status.
- (5) A person who is in precertification status shall, upon successful completion of the required basic training, be certified unless he has committed an act that would result in revocation of his certificate in which case he shall be denied certification.
- (6) A person who is denied certified status under this section shall have the same right of appeal as a person who has been revoked under KRS 15.380 to 15.402.
- (7) If the certified officer has successfully completed the basic training required by *Section 5 of this Act* ~~[KRS 95.955]~~ and transfers from a peace officer position from a current employer to a peace officer position for another employer, and both employers have, at least ten (10) working days prior to the effective date of the transfer, notified the council in writing of the transfer, the council shall maintain the officer in certified status.

Section 8. KRS 15.396 is amended to read as follows:

- (1) An agency may be required to pay for all training received by a person from the Department of Criminal Justice Training or any other facility approved by the Kentucky Law Enforcement Council if the agency knowingly employs or appoints a person to be an officer of any type as enumerated in KRS 15.380 and if that person fails to achieve certified status as required by KRS 15.380 to 15.402.
- (2) The agency shall be denied participation in the Kentucky Law Enforcement Foundation Program Fund if the agency knowingly employs or appoints a person to be an officer of any type as enumerated in KRS 15.380 and if that person:
 - (a) Fails to meet those minimum qualifications set forth in KRS 15.402;

- (b) Fails to achieve certified status as required by KRS 15.380 to 15.402; or
 - (c) Fails to maintain the minimum training requirements set forth in *Section 5 of this Act*~~[KRS 95.955]~~.
- (3) *An agency that is in violation of subsection (1) or (2) of this section may be relieved of the associated penalty upon:*
- (a) *Termination of the officer who is the source of the violation; or (b) Correction of the officer's deficiency.*

Section 9. KRS 15.440 is amended to read as follows:

Each local unit of government which meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:

- (1) Employs one (1) or more police officers;
- (2) Pays every police officer at least the minimum federal wage;
- (3) Maintains the minimum educational requirement of a high school degree, or its equivalent as determined by the Kentucky Law Enforcement Council, for employment of police officers on or after July 1, 1972, and for all sheriffs appointed or elected on or after July 15, 1998, and all deputy sheriffs, and state or public university police officers employed after July 15, 1998; provided, however, that all police officers employed prior to July 1, 1972, shall be deemed to have met the requirements of this subsection, and that all sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to July 15, 1998 shall be deemed to have met the requirements of this subsection;
- (4) Requires all police officers employed on or after July 1, 1972, and all sheriffs appointed or elected on or after July 15, 1998, and deputy sheriffs, and state or public university police officers employed on or after January 1, 1998, to successfully complete a basic training course of at least *six hundred forty (640)*~~four hundred (400)~~ hours' duration within one year of the date of employment at a school certified or recognized by the Kentucky Law Enforcement Council. All sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to January 1, 1998, shall be deemed to have met the requirements of this subsection. The council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, set the number of hours for basic training at a number higher than *six hundred forty (640)*~~four hundred (400)~~ hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis;
- (5) Requires all police officers, whether originally employed before or after July 1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998, and all deputy sheriffs and state or public police officers employed before, on, or after July 15, 1998, to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of his department, of at least forty (40) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council;
- (6) Requires compliance with all provisions of law applicable to local police, state or public university police, or sheriffs and their deputies, including transmission of data to the centralized criminal history record information system as required by KRS 17.150;

- (7) Requires compliance with all reasonable rules and regulations, appropriate to the size and location of the local police department, state or public university police department, or sheriff's office, issued by the Justice Cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
- (8) Provided, however, that no local unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund unless the local police department, state or public university police department, or sheriff's office actually begins and continues to comply with the requirements of this section; provided, further, that no local unit shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund until the local police department, state or public university police department, or sheriff's office has substantially complied with subsections (6) and (7) of this section.

Section 10. KRS 15.590 is amended to read as follows:

KRS 15.540 to 15.580 shall be administered by the *commissioner of the Department of Criminal Justice Training* ~~[secretary of justice]~~, who shall issue such administrative regulations as necessary regarding training, in-service training, and telecommunications practices.

Section 11. KRS 15A.070 is amended to read as follows:

- (1) The Department of Criminal Justice Training shall establish, supervise and coordinate training programs and schools for law enforcement personnel, and any other justice or nonlaw-enforcement-related personnel as prescribed by the secretary.
- (2) The Department of Criminal Justice Training shall make a continuing study of law enforcement training standards and upon request may furnish information relating to standards for recruitment, employment, promotion, organization, management, and operation of any law enforcement agency in Kentucky.
- (3) The Department of Criminal Justice Training shall conduct continuing research on criminal law and criminal justice subjects related to law enforcement training.
- (4) The Department of Criminal Justice Training may by administrative regulation provide for administrative hearings to be conducted in accordance with KRS Chapter 13B.
- (5) *The commissioner of the Department of Criminal Justice Training may promulgate administrative regulations in accordance with KRS Chapter 13A.*

Section 12. KRS 70.263 is amended to read as follows:

- (1) Each person serving as a covered deputy sheriff on the effective date of an ordinance that creates a deputy sheriff merit board for the county in which he serves shall have successfully completed, within one (1) year following the effective date of that ordinance, at least *six hundred forty (640)* ~~[four hundred (400)]~~ hours of training approved by the Kentucky Law Enforcement Council. Training approved by the Kentucky Law Enforcement Council received before the effective date of the ordinance may be used to satisfy all or part of this requirement.
- (2) Each person appointed as a covered deputy sheriff in a county that has adopted a deputy sheriff merit board before the date of his appointment shall have successfully completed, within one (1) year following the appointment, at least *six hundred forty (640)* ~~[four hundred (400)]~~ hours of training approved by the Kentucky Law Enforcement Council. Training

approved by the Kentucky Law Enforcement Council received before the effective date of the ordinance may be used to satisfy all or part of this requirement.

- (3) A deputy sheriff whose official duty is to provide security service to the courts, and who is compensated pursuant to KRS 64.092, shall, the provisions of subsections (1) and (2) of this section notwithstanding, satisfy the training requirements for employment if he completes law enforcement training which the Administrative Office of the Courts certifies to the sheriff as acceptable. If the training was not received prior to the effective date of the ordinance creating the deputy sheriff merit board, in the case of a deputy sheriff serving when the ordinance was passed, or prior to appointment in the case of a deputy sheriff appointed after the effective date of the ordinance, then it shall be received within one (1) year following the effective date of the ordinance or the date of appointment, as the case may be.
- (4) A person failing to meet the requirements of this section shall forfeit his position as deputy sheriff immediately upon the expiration of the applicable one (1) year time limit.

Section 13. KRS 95.955 is amended to read as follows:

- (1) All police officers and auxiliary police officers originally appointed or employed by a city, urban-county, or charter county government after July 14, 1992, shall, within one (1) year of their appointment or employment, successfully complete at least *six hundred forty (640)*~~four hundred (400)~~ hours of basic training administered or approved by the Department of Criminal Justice Training.
- (2) All police officers and auxiliary police officers specified in subsection (1) of this section shall, upon completion of the basic training required in the same section, successfully complete forty (40) hours of annual in-service training administered or approved by the Department of Criminal Justice Training.
- (3) All police officers and auxiliary police officers appointed or employed before July 14, 1992, shall successfully complete forty (40) hours of annual in-service training administered or approved by the Department of Criminal Justice Training.
- (4) In the event of extenuating circumstances beyond the control of the officer such as injury, illness, or personal tragedy which prevents the officer from completing the basic or inservice training within the time specified in subsections (1) to (3) of this section, the officer shall complete the training within one hundred eighty (180) days after return to duty. Any police officer or auxiliary police officer who fails to successfully complete the basic or inservice training within the specified time period shall not be authorized thereafter to carry deadly weapons or make arrests and may be dismissed from employment as a police officer or from membership on the auxiliary police force.

Approved April 21, 2000