

CHAPTER 82**(SB 155)**

AN ACT relating to telecommunications.

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

Section 1. 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 *and telecommunications* training courses required under KRS 15.310 to 15.510, **KRS 15.530 to 15.590**, 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 prescribe minimum standards and qualifications for voluntary career development programs for certified peace officers and telecommunicators, including minimum standards for experience, education, and training, and to issue certificates to those meeting the minimum standards;
 - (e) 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, **KRS 15.530 to 15.590**, and KRS 15.990 to 15.992;
 - (f) To approve law enforcement officers, *telecommunicators*, and other persons as having met requirements under KRS 15.310 to 15.510, **KRS 15.530 to 15.590**, and KRS 15.990 to 15.992;
 - (g) 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, **KRS 15.530 to 15.590**, and KRS 15.990 to 15.992, any information or documents;
 - (h) To promulgate reasonable rules and administrative regulations in accordance with KRS Chapter 13A to accomplish the purposes of KRS 15.310 to 15.510, **KRS 15.530 to 15.590**, and KRS 15.990 to 15.992;
 - (i) To monitor the Law Enforcement Foundation Program as prescribed in KRS 15.410 to 15.510;
 - (j) To adopt bylaws for the conduct of its business not otherwise provided for; and
 - (k) 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, **KRS 15.530 to 15.590**, 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 2. KRS 15.530 is amended to read as follows:

For the purposes of KRS **15.530**~~(15.540)~~ to 15.590:

- (1) "CJIS" means the Criminal Justice Information System;
- (2) "CJIS-full access course" means a *training program of at least* forty (40) ~~hours~~~~[hour training program]~~ approved by the Kentucky Law Enforcement Council;
- (3) "CJIS telecommunicator" means any full-time public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that utilizes the Criminal Justice Information System, and is part of or administered by the state or any political subdivision;
- (4) "Commissioner" means the commissioner of the Department of Criminal Justice Training;
- (5) "~~Non-CJIS~~~~[Law enforcement]~~ telecommunicator" means any full-time public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that does not utilize the Criminal Justice Information System and is part of or administered by the state or any political subdivision;

- (6) ~~"Law enforcement telecommunicator basic training program" means a forty (40) hour basic training program approved by the Kentucky Law Enforcement Council;~~
- (7) ~~"Non-CJIS telecommunicator academy" means a *training course of at least* one hundred twenty (120) ~~hours~~~~hour academy~~ approved by the Kentucky Law Enforcement Council; and~~
- (7)(8) ~~"Telecommunications academy" means a *training course of at least* one hundred sixty (160) ~~hours~~~~hour academy~~ approved by the Kentucky Law Enforcement Council.~~

Section 3. KRS 15.540 is amended to read as follows:

- (1) *An agency hiring a telecommunicator after July 15, 2006, shall certify to the Department of Criminal Justice Training before*~~The Justice Cabinet shall determine that all applicants for~~ admission to the telecommunicator training program *that the telecommunicator:*
- (a) *Is a citizen*~~(1) — Are citizens~~ of the United States and *has*~~have~~ reached the age of majority;
 - (b) *Is a*~~(2) — Hold~~ high school *graduate*~~diploma~~ or *has received a general equivalency diploma (GED)*~~(the equivalent)~~;
 - (c) *Has*~~(3) — Have~~ not been convicted of a felony or other crimes involving moral turpitude as determined by submission of each applicant's fingerprints to the information systems section of the Department of State Police and to the Federal Bureau of Investigation identification division, and by such other investigations as required by the *hiring agency*;
 - (d) *Has taken a psychological suitability screening administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own suitability screening shall certify the results to the department;*
 - (e) *Has taken a polygraph examination administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own polygraph examination shall certify the results to the department; and*
 - (f) *Has passed a drug screening administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening if the results are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own screening shall certify passing results to the department.*
- (2) *Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary notwithstanding, the applicant's home address, telephone number, date of birth, Social Security number, and results of any background investigation, psychological suitability screening, and polygraph examination conducted under this section shall not be subject to disclosure*
~~[applicant's place of employment; and~~
- (4) ~~Are free of any physical, emotional or mental condition which might adversely affect their employment performance}.~~

Section 4. KRS 15.560 is amended to read as follows:

- (1) No person shall receive an official appointment on a permanent basis as a law enforcement telecommunicator unless the person has previously been awarded a certificate by the *Kentucky Law Enforcement Council*~~commissioner~~ attesting to such person's satisfactory completion of a non-CJIS telecommunications academy. Every person who is employed after June 24, 2003, as a law enforcement telecommunicator by any law enforcement agency in this state, regardless of prior experience as a *non-CJIS*~~law enforcement~~ telecommunicator, shall forfeit his or her position as such unless, within twelve (12) months from the date of his or her employment, he or she satisfactorily completes the non-CJIS telecommunications academy and is awarded a certificate attesting thereto. The *council*~~commissioner~~ shall waive the training requirements listed in this section for all law enforcement telecommunicators who are serving on *July 15, 2006*~~June 24, 2003~~, and possess a certificate of completion of an approved law enforcement telecommunicator basic training program.
- (2) All *non-CJIS*~~law enforcement~~ telecommunicators, whether originally employed before or after *July 15, 2006*~~June 24, 2003~~, shall successfully complete each calendar year an in-service training course, appropriate

to their job assignment and responsibility, of at least eight (8) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council.

- (3) In the event of extenuating circumstances beyond the control of a *non-CJIS*~~[law enforcement]~~ telecommunicator that prevent completion of training within the time specified, the commissioner or the commissioner's designee may grant the *non-CJIS*~~[law enforcement]~~ telecommunicator an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- (4) ***A non-CJIS telecommunicator who fails to complete the training within a period of twelve (12) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.***

Section 5. KRS 15.565 is amended to read as follows:

- (1) No person shall receive an official appointment on a permanent basis as a CJIS telecommunicator unless that person has previously been awarded a certificate by the ***Kentucky Law Enforcement Council***~~[commissioner]~~ attesting to that person's satisfactory completion of the ***CJIS*** telecommunications academy. Every person who is employed after ***July 15, 2006***~~[June 24, 2003]~~, as a CJIS telecommunicator shall forfeit his or her position as such unless, within six (6) months from the date of employment, that person satisfactorily completes the ***CJIS*** telecommunications academy and is awarded a certificate attesting thereto. The ~~council~~~~[commissioner]~~ shall waive the training requirements listed in this section and award a CJIS telecommunicator certificate for all CJIS telecommunicators who are serving on ***July 15, 2006***~~[June 24, 2003]~~, and have successfully completed the CJIS-full access course.
- (2) A *non-CJIS*~~[law enforcement]~~ telecommunicator who gains employment as a CJIS telecommunicator shall successfully complete the CJIS-full access course within six (6) months from the date of his or her employment. A *non-CJIS*~~[law enforcement]~~ telecommunicator whose employing agency initiates the use of CJIS shall successfully complete the CJIS-full access course within six (6) months from the date that the agency initiates the use of CJIS.
- (3) All CJIS telecommunicators, whether originally employed before or after ***July 15, 2006***~~[June 24, 2003]~~, shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of at least eight (8) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council.
- (4) All CJIS telecommunicators, whether originally employed before or after ***July 15, 2006***~~[June 24, 2003]~~, shall successfully complete ***eight (8) hours of CJIS in-service training***~~[,] every two (2) years[, eight (8) hours of CJIS in-service training]~~ at a school certified or recognized by the Kentucky Law Enforcement Council.
- (5) Extensions of time in which to complete the training specified in this section may be granted by the commissioner of the Department of State Police or the commissioner's designee.
- (6) ***A CJIS telecommunicator who fails to complete the training within a period of six (6) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.***

Section 6. KRS 15.580 is amended to read as follows:

The ***Kentucky Law Enforcement Council and the Justice and Public Safety Cabinet*** shall maintain a roster of all certified~~[law enforcement]~~ telecommunicators.

Section 7. KRS 15.590 is amended to read as follows:

KRS ~~15.530 to 15.590~~~~[15.540 to 15.580]~~ shall be administered by the ***Kentucky Law Enforcement Council***, ~~which~~~~[commissioner of the Department of Criminal Justice Training, who]~~ shall ***promulgate***~~[issue such]~~ administrative regulations as necessary regarding training, in-service training, and telecommunications practices.

Approved March 28, 2006.