

## CHAPTER 76

## (HB 78)

AN ACT relating to peace officer certification.

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

Section 1. KRS 15.400 is amended to read as follows:

- (1) The effective date of KRS 15.380 to 15.404 shall be December 1, 1998. All peace officers employed as of December 1, 1998, shall be deemed to have met all the requirements of KRS 15.380 to 15.404 and shall be granted certified status as long as they:
  - (a) Remain in continuous employment of the agency by which they were employed as of December 1, 1998, **and are employed within sixty (60) days by another law enforcement agency subject to the provisions of KRS 15.380 to 15.404;** or
  - (b) Shall have successfully completed an approved basic training course approved and recognized by the Kentucky Law Enforcement Council pursuant to KRS 15.440(1)(d) when seeking employment with another law enforcement agency.
- (2) Any peace officers employed after December 1, 1998, shall comply with all minimum standards specified in KRS 15.380 to 15.404. Persons newly employed or appointed after December 1, 1998, shall have one (1) year within which to gain certified status or they shall lose their law enforcement powers.
- (3) The Open Records Act notwithstanding, the person's home address, telephone number, date of birth, Social Security number, background investigation, medical examination, psychological examination, and polygraph examination conducted for any person seeking certification pursuant to KRS 15.380 to 15.404 shall not be subject to disclosure.

Section 2. KRS 15.386 is amended to read as follows:

The following certification categories shall exist:

- (1) "Precertification status" means that 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 or her enforcement powers shall automatically terminate.
- (2) "Certification status" means that 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)
  - (a) "Inactive status" means that unless the certification is in revoked status:
    1. 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
    2. The person is on military active duty for a period exceeding three hundred sixty-five (365) days.
  - (b) 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 or she **meets the requirements of subsection (1) of Section 1 of this Act or** has successfully completed a basic training course approved and recognized by the council, has not committed an act for which his or her certified status may be revoked pursuant to KRS 15.380 to 15.404 and successfully completes in-service training as prescribed by the council, as follows:
    1. No more than forty (40) hours if the person has been on inactive status for a period of less than three (3) years, and the person was not in training deficiency status at the time of separation; or
    2. No more than eighty (80) hours if the person has been on inactive status for a period of three (3) years or more, or the person was in training deficiency status at the time of separation.
- (4) "Training deficiency status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has failed to meet all in-service training requirements.

The officer's enforcement powers shall automatically terminate, and he or she shall not exercise peace officer powers in the Commonwealth until he or she has corrected the in-service training deficiency.

- (5) "Revoked status" means that 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.
- (6) "Denied status" means that a person does not meet the requirements to achieve precertification status or certification status.
- (7) 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 3. KRS 15.392 is amended to read as follows:

- (1) Within ten (10) working days from separation from service, the chief executive officer of the employing agency or his designee shall file with the council a summary report that provides the relevant information about the person's separation from service.
- (2) If the person has been separated for any reason justifying revoked or denied status pursuant to KRS 15.386, the council shall revoke the person's certification.
- (3) If the person has been separated for any other reason other than death, or one justifying revoked or denied status pursuant to KRS 15.386; and
  - (a) The person has successfully completed basic training at a school certified or recognized by the council **or has been granted certification pursuant to subsection (1) of Section 1 of this Act**, the council shall place the certification on inactive status; or
  - (b) The person has not successfully completed basic training at a school certified or recognized by the council **and fails to meet the requirements of subsection (1) of Section 1 of this Act**, the certification shall lapse.
- (4) If the person has been separated due to death, the certification shall be retired.
- (5) The employing agency's findings of fact and evidentiary conclusions shall be deemed final. The council shall be limited only to revoking the certification.
- (6) The council shall not accept or hear complaints.

Section 4. 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) Office of Alcoholic Beverage Control field representatives and investigators appointed under KRS 241.090;
  - (h) Division of Insurance Fraud Investigation investigators appointed under KRS 304.47-040; and

- (i) County detectives appointed in a county containing a consolidated local government with the power of arrest in the county and the right to execute process statewide in accordance with KRS 69.360.
- (2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be incorporated by the Personnel Cabinet for job specifications.
- (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 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;
  - (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; and
  - (i) Investigators employed by the Office of Charitable Gaming in accordance with KRS 238.510; *and*
  - (j) ***Commonwealth detectives employed under KRS 69.110 and county detectives employed under KRS 69.360.***
- (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;
  - (d) Jailers;
  - (e) Kentucky Horse Racing Authority security officers employed under KRS 230.240; and
  - (f) Commissioner of the State Police.
- (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404.

Section 5. This Act shall be retroactive to July 1, 2004.

**Approved March 23, 2007.**