

## CHAPTER 22

## ( SB 120 )

AN ACT relating to police officers of public institutions of postsecondary education.

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

➔Section 1. KRS 61.315 is amended to read as follows:

- (1) As used in this section, "police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, ***any police officer of a public institution of postsecondary education appointed pursuant to Section 2 of this Act***, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state; "firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations.
- (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, ***any police officer of a public institution of postsecondary education appointed pursuant to Section 2 of this Act***, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general expenditure fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:
  - (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and
  - (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.If a child dies before reaching the age of eighteen (18) years, his or her account shall be paid to his or her estate. If there are no surviving children, the payment shall be made to any parents of the deceased.
- (3) The Commission on Fire Protection Personnel Standards and Education shall be authorized to promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.
- (4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.
- (5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.

- (6) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.
- (7) The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.
- (8) Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

➔Section 2. KRS 164.950 is amended to read as follows:

The governing board of each public institution of *postsecondary*~~higher~~ education is authorized to establish a *police*~~safety and security~~ department and appoint *police*~~safety and security~~ officers and other employees for the university, college, or other institution of public *postsecondary*~~higher~~ education for which it is responsible, to prescribe distinctive uniforms for the *police*~~safety and security~~ officers of said institution, and to designate and operate emergency vehicles. *Police*~~Safety and security~~ officers so appointed shall take an appropriate oath of office, in the form and manner consistent with the Constitution of Kentucky, and shall serve at the pleasure of the governing board.

➔Section 3. KRS 164.955 is amended to read as follows:

- (1) *Police*~~Safety and security~~ officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective *public postsecondary education* institution employing them. Without limiting the generality of the foregoing, such *police*~~safety and security~~ officers are hereby specifically authorized and empowered, and it shall be their duty:
  - (a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm and damage; and
  - (b) To enforce, and to assist the officials of their respective institutions in the enforcement of, the lawful rules and regulations of said institution, and to assist and cooperate with other law enforcement agencies and officers. Provided, however, that such *police*~~safety and security~~ officers shall exercise the powers herein granted upon any real property owned or occupied by their respective institutions, including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.
- (2) *Police*~~Safety and security~~ officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:
  - (a) When in *immediate*~~hot~~ pursuit of an actual or suspected violator of the law;~~or~~
  - (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;~~or~~
  - (c) When requested to act by the chief of police of the city or county in which the institution's property is located;~~or~~
  - (d) When requested to act by the sheriff of the county in which the institution's property is located;~~or~~
  - (e) When requested to act by the commissioner of the Department of Kentucky State Police;~~or~~
  - (f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d) or (e) above;~~or~~
  - (g) When requested to assist a state, county or municipal police officer, sheriff, or other peace officer in the performance of his lawful duties; or

(h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.

- (3) ~~Police~~~~[Safety and security]~~ officers appointed pursuant to KRS 164.950 to 164.980 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided ~~the~~~~[such]~~ investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the **public postsecondary education institution**~~[university]~~. Where desirable and at the discretion of the **public postsecondary education institution's**~~[institution of higher education's]~~ police officials, the **institution's police**~~[university safety and security]~~ department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.
- (4) ~~Police~~~~[Safety and security]~~ departments created and operated by the governing boards of public **postsecondary education** institutions~~[of higher education]~~ shall, for all purposes, be deemed public police departments and the sworn **police**~~[safety and security]~~ officers thereof are, for all purposes, deemed public police officers.
- (5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable, or other peace officer either on the property of an institution of **postsecondary**~~[higher]~~ education or otherwise.

➔Section 4. KRS 164.960 is amended to read as follows:

All persons appointed as **police**~~[safety and security]~~ officers pursuant to KRS 164.950 to 164.980 shall, at the time of their employment~~[, be]~~:

- (1)~~[~~ Not less than eighteen (18) years of age; and
- ~~(2)]~~ Comply with the requirements of KRS 61.300~~[, other than the age requirement]; and~~
- ~~(2)~~~~(3)]~~ **Possess**~~[Shall possess]~~ whatever other requirements as may be set by the governing board of the institution of public **postsecondary**~~[higher]~~ education which employs them.

➔Section 5. KRS 164.965 is amended to read as follows:

The governing board of each institution of public **postsecondary**~~[higher]~~ education may provide for the appointment or promotion to the ranks and grades and positions of the department such officers and civilians as are considered by the board to be necessary for the efficient administration of the department. Such officers and civilians shall receive such compensation as shall be fixed and paid by the board.

➔Section 6. KRS 164.970 is amended to read as follows:

- (1) Vehicles used for emergency purposes by the **police**~~[safety and security]~~ department of a public institution of **postsecondary**~~[higher]~~ education shall be considered as emergency vehicles and shall be equipped with blue lights and sirens and shall be operated in conformance with the requirements of KRS Chapter 189.
- (2) ~~Police~~~~[Safety and security]~~ officers directly employed by the governing board of public institutions of **postsecondary**~~[higher]~~ education pursuant to KRS 164.950 to 164.980 shall have the rights accorded to peace officers in cities of the first four (4) classes provided under KRS 527.020, provided the governing board of the public institution of **postsecondary**~~[higher]~~ education so **authorizes**~~[authorized]~~ in writing.
- (3) ~~Police~~~~[Safety and security]~~ departments of public institutions of **postsecondary**~~[higher]~~ education may install, maintain, and operate radio systems on police or other radio frequencies under licenses issued by the Federal Communications Commission, or its successor; KRS 432.570 to the contrary notwithstanding.
- (4) ~~Police~~~~[Safety and security]~~ departments of public institutions of **postsecondary**~~[higher]~~ education shall comply with the requirements of the Kentucky Revised Statutes and the Justice and Public Safety Cabinet with regard to reporting of criminal and other statistics.

➔Section 7. KRS 164.975 is amended to read as follows:

- (1) The governing boards of public institutions of **postsecondary**~~[higher]~~ education, each having the power and authority to govern and control the method and purpose of use of property owned or occupied by their respective institution, including travel over such property, is each hereby confirmed in its authority to regulate the traffic and parking of motor vehicles, bicycles or other vehicles as well as the traffic of pedestrians on, over and across the streets, roads, paths and grounds of real property owned, used or occupied by such institution. Such regulations applicable to traffic and parking may include, but not be limited to, the following provisions:

- (a) Provisions governing the registration, speed, operation, parking and times, places and manner of use of motor vehicles, bicycles and other vehicles.
  - (b) Provisions prescribing penalties for the violation of such regulations, which penalties may include the imposition of reasonable charges, the removing and impounding (at the expense of the violator) of vehicles which are operated or parked in violation of such regulations, and the denial of permission to operate vehicles on the property of such institution.
  - (c) Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by such institution. Provided, however, that nothing herein contained shall be deemed to limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys or ways.
- (2) Motor vehicle moving violations of regulations issued under this section shall be deemed violations of the appropriate equivalent sections of the motor vehicle laws of the Commonwealth and may be prosecuted in the courts having territorial jurisdiction over the physical location of the offense.

➔Section 8. KRS 164.980 is amended to read as follows:

No person shall falsely represent himself to be a ~~police~~~~[safety and security]~~ officer, agent or employee of a ~~police~~~~[safety and security]~~ department of a public institution of ~~postsecondary~~~~[higher]~~ education and in such assumed character, arrest, or detain, or search, or question, in any manner the person or property of any person, nor shall any person without the authority of the governing board of the public institution of ~~postsecondary~~~~[higher]~~ education wear its official uniform, insignia, badge, or identification of the department.

➔Section 9. 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 or court security officer basic training course provided by the Department of Criminal Justice Training or a course approved and recognized by the Kentucky Law Enforcement Council;
- (2) "Certified court security officer" means a court security officer who is certified under KRS 15.380 to 15.404;
- (3) "Certified peace officer" means a peace officer who is certified under KRS 15.380 to 15.404;
- (4) "Certification" means the act by the council of issuing certification to a peace officer or court security officer who successfully completes the training requirements pursuant to KRS 15.404 and the requirements set forth within this chapter;
- (5) "Council" means the Kentucky Law Enforcement Council established by KRS 15.315 to 15.510, 15.990, and 15.992;
- (6) "Court security officer" means a person required to be certified under KRS 15.380(1)(c) and who is charged with the duties set out in KRS 70.280;
- (7) "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
- (8) "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 ~~police~~~~[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;
- (9) "Peace officer" means a person defined in KRS 446.010;
- (10) "Secretary" means the secretary of the Justice and Public Safety Cabinet; and
- (11) "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 10. 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) Department of Kentucky State Police officers, but for the commissioner of the Department of Kentucky State Police;
  - (b) City, county, and urban-county police officers;
  - (c) Court security officers and deputy sheriffs, except those identified in KRS 70.045 and 70.263(3);
  - (d) State or public university ~~police~~ ~~[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;
  - (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 Department 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 Commission 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.

**Signed by Governor March 19, 2013.**

