

## CHAPTER 64

## ( HB 340 )

AN ACT relating to the Department of Kentucky State Police.

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

➔Section 1. KRS 16.196 is amended to read as follows:

There is created within the Department of Kentucky State Police the ~~positions~~<sup>position</sup> of Trooper R Class *and commercial vehicle enforcement officer R class* that shall be utilized by the commissioner to retain retired officers commissioned under this chapter on a contractual basis to supplement the ranks of the Kentucky State Police *and commercial vehicle enforcement officers*.

➔Section 2. KRS 16.197 is amended to read as follows:

An individual employed as a Trooper R Class *or a commercial vehicle enforcement officer R class*~~under KRS 16.196 to 16.199~~ shall:

- (1) Be a retired officer who prior to retirement was commissioned as an officer under this chapter;
- (2) Be a retired member of the State Police Retirement System established by KRS 16.505 to 16.652 *or the Kentucky Employees Retirement System established by KRS 61.510 to 61.705*, who retired with at least twenty (20) years of service credit;
- (3) Upon appointment to Trooper R Class *or commercial vehicle enforcement officer R class*, have been separated from the service of the Department of Kentucky State Police for a period no less than one (1) month nor greater than sixty (60) months following the individual's effective retirement date from the State Police Retirement System *or the Kentucky Employees Retirement System*;
- (4) Have retired willingly with no administrative charges against the officer pending under KRS 16.140 *or 16.192*; and
- (5) Have retired with no pre-existing agreement between the employee and the department prior to the employee's retirement for the employee to return to work with the department.

➔Section 3. KRS 16.198 is amended to read as follows:

The appointment, salary, benefits, and number of individuals employed as a Trooper R Class *and commercial vehicle enforcement officer R class* shall be as follows:

- (1) The commissioner may appoint Trooper R Class employees *and commercial vehicle enforcement officer R class*. Trooper R Class employees *and commercial vehicle enforcement officer R class* shall serve on a contractual basis for a term of one (1) year, and the contract may be renewed annually, by agreement of the parties, for no more than four (4) additional one (1) year terms.
- (2) The compensation for Trooper R Class employees *and commercial vehicle enforcement officer R class* shall be established by administrative regulation promulgated pursuant to KRS Chapter 13A.
- (3)
  - (a) All appointments of individuals employed as a Trooper R Class *and commercial vehicle enforcement officer R class* shall be based upon agency need as determined by the commissioner.
  - (b) Work stations for individuals employed as a Trooper R Class *and commercial vehicle enforcement officer R class* shall be determined by agency need with consideration given to the applicant's stated preference.
  - (c) Merit of individuals employed as a Trooper R Class *and commercial vehicle enforcement officer R class* shall be determined by the applicant's work performance history.
  - (d) Fitness of individuals employed as a Trooper R Class *and commercial vehicle enforcement officer R class* shall be determined by the applicant's ability to adhere to the agency standards set by the commissioner under this chapter.
- (4) The number of individuals employed as a Trooper R Class *and commercial vehicle enforcement officer R class* by the department shall not:
  - (a) Exceed one hundred (100); or

- (b) Be counted in the total employee cap for the department.
- (5) All individuals employed as a Trooper R Class **and commercial vehicle enforcement officer R class** shall be assigned the job duties of trooper **or commercial vehicle enforcement officer** and shall not be placed in any supervisory positions or special work assignments.
- (6) Notwithstanding any provision of KRS 16.505 to 16.652, KRS 18A.005 to 18A.228, and KRS 61.510 to 61.705 to the contrary:
  - (a) Individuals employed as a Trooper R Class **and commercial vehicle enforcement officer R class** shall continue to receive all retirement and health insurance benefits provided by the systems administered by Kentucky Retirement Systems to which they were entitled upon retiring from the department as a commissioned officer under this chapter;
  - (b) Individuals employed as a Trooper R Class **and commercial vehicle enforcement officer R class** shall not be eligible to receive health insurance coverage or benefits through the department and shall not be eligible to participate in the State Police Retirement System **or the Kentucky Employees Retirement System**; and
  - (c) The department shall not pay health insurance contributions to the state health insurance plan for individuals employed as a Trooper R Class **and commercial vehicle enforcement officer R class**.
- (7) Individuals employed as a Trooper R Class **and commercial vehicle enforcement officer R class** shall be employed on a contractual basis and shall be provided due process pursuant to KRS 16.140 **or 16.192** for any disciplinary action imposed by the commissioner. A decision by the commissioner to not renew a contract shall not be considered a disciplinary action for purposes of this section.
- (8) The provisions of this section shall not eliminate or reduce any requirements under KRS 61.637 for the department to pay employer contributions to the retirement systems or to reimburse the retirement systems for the cost of retiree health, on any individual employed as a Trooper R class **or commercial vehicle enforcement officer R class**.

➔Section 4. KRS 16.199 is amended to read as follows:

- (1) All individuals employed as a Trooper R Class **or commercial vehicle enforcement officer R class** shall adhere to the agency standards of conduct and policy.
- (2) Any person may proffer charges against an individual employed as a Trooper R Class **or commercial vehicle enforcement officer R class** by submitting a written complaint, signed by the complainant, with the Office of Internal Affairs within the department.

➔Section 5. KRS 16.187 is amended to read as follows:

- (1) The following positions shall be created within the Department of Kentucky State Police:
  - (a) Commercial vehicle enforcement officers;
  - (b) **Commercial vehicle enforcement officers R Class**;
  - (c) Arson investigator officers;
  - ~~(d)(e)~~ Hazardous devices investigator officers; and
  - ~~(e)(d)~~ Facilities security officers.
- (2) These positions shall be appointed pursuant to KRS 16.188 and shall be utilized by the commissioner to enforce the laws of the Commonwealth and to comply with federal and state mandates.

➔Section 6. KRS 16.188 is amended to read as follows:

- (1) The following officers shall be appointed by the commissioner:
  - (a) Commercial vehicle enforcement officers;
  - (b) **Commercial vehicle enforcement officers R Class**;
  - (c) Arson investigator officers; and
  - ~~(d)(e)~~ Hazardous devices investigator officers.

- (2) Facilities security officers shall be appointed by the secretary as special law enforcement officers under KRS 61.902.

➔Section 7. KRS 16.189 is amended to read as follows:

The powers and duties of officers in the positions established by KRS 16.187 shall be as follows:

- (1) Commercial vehicle enforcement officers ***and commercial vehicle enforcement officers R class*** shall enforce:
- (a) Commercial vehicle licensure, operator, traffic, and criminal violations;
  - (b) Motor vehicle operator, traffic, and criminal law violations on a highway; and
  - (c) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner;
- (2) Arson investigator officers shall enforce:
- (a) All criminal laws pertaining to arson; and
  - (b) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner;
- (3) Hazardous devices investigator officers shall enforce:
- (a) All criminal laws pertaining to hazardous devices; and
  - (b) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner; and
- (4) Facilities security officers shall have the jurisdiction and duties established pursuant to KRS 61.900 to 61.930.

➔Section 8. KRS 16.010 is amended to read as follows:

As used in KRS 16.010 to 16.199, unless the context requires otherwise:

- (1) "Cabinet" means the Justice and Public Safety Cabinet;
- (2) "Secretary" means the secretary of justice and public safety;
- (3) "Commissioner" means the commissioner of the Department of Kentucky State Police;
- (4) "Officer" means any member of the Department of Kentucky State Police, other than an individual employed as a Trooper R Class ***or CVE R Class***, who possesses the powers of a peace officer;
- (5) "Civilian" means such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;
- (6) "Board" means the Department of Kentucky State Police Personnel Board;
- (7) "Department" means the Department of Kentucky State Police;
- (8) "Continuous service" for participation in and eligibility for the promotional process for each rank of officer commissioned under this chapter means:
  - (a) For sergeant, service as a commissioned Kentucky State Police officer that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, or termination;
  - (b) For lieutenant, service in grade as a sergeant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;
  - (c) For captain, service in grade as lieutenant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140; and
- (9) "Trooper R Class" means any retired Kentucky State Police officer commissioned under this chapter who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199.
- (10) ***"CVE R Class" means any retired Kentucky State Police commercial vehicle enforcement officer commissioned under KRS 16.187 who has become reemployed with the department on a contractual basis pursuant to KRS 16.196 to 16.199.***

➔Section 9. KRS 16.040 is amended to read as follows:

- (1) The department shall consist of the commissioner and the number of officers, individuals employed as a Trooper R Class, *CVE R Class*, and civilians, and shall be organized in the manner as the commissioner from time to time determines.
- (2) All persons appointed as officers shall at the time of their appointment:
  - (a) Be not less than twenty-one (21) nor more than thirty-one (31) years of age;
  - (b) Be of good moral character, and in good health;
  - (c) Be citizens of the United States and residents of the Commonwealth; and
  - (d) Possess a minimum of sixty (60) hours of credit, or an associate degree, from an accredited college or university, or be a high school graduate with at least two (2) years' experience in the military or in law enforcement.
- (3) The commissioner shall prescribe minimum physical requirements for appointment as an officer of the department and for individuals employed as a Trooper R Class *or CVE R Class*, and shall conduct such tests and require such physical examinations as deemed necessary to determine the fitness and qualification of each applicant. All other qualifications being equal, preference shall be given to veterans of the Armed Forces of the United States in time of war, who were honorably discharged.
- (4) The commissioner shall direct an investigation to be conducted in order to determine an applicant's suitability for employment as an officer. The contents of the investigation shall be subject to the Open Records Act, KRS 61.870 to 61.884 and KRS 61.991, except that the identity of any witness or informant involving information relative to this investigation shall remain confidential. The identity of any witness or informant shall be subject to the subpoena power of a court of competent jurisdiction.

→Section 10. KRS 16.060 is amended to read as follows:

It shall be the duty of the commissioner, each officer of the department, and each individual employed as a Trooper R Class *or CVE R Class* to detect and prevent crime, apprehend criminals, maintain law and order throughout the state, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well as the motor vehicle and traffic laws of the Commonwealth. To this end the commissioner, each officer of the department, and each individual employed as a Trooper R Class *or CVE R Class* is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the commissioner, any officer of the department, and each individual employed as a Trooper R Class *or CVE R Class*.

→Section 11. KRS 16.070 is amended to read as follows:

- (1) The commissioner is the head and chief executive officer of the department. He or she shall provide for himself or herself, each officer of the department, and each individual employed as a Trooper R Class *or CVE R Class*, under the provisions of KRS 45A.045 to 45A.650, such uniforms, equipment, and facilities, including motor vehicles, necessary to the performance of their respective duties, but all uniforms, equipment, and facilities, including motor vehicles, shall remain the property of the Commonwealth. The commissioner may sell through the Finance and Administration Cabinet, under the provisions of KRS 45A.045 to 45A.650, such uniforms, equipment, and facilities, including motor vehicles, as become unfit for use, and all moneys received therefrom shall be paid into the State Treasury and credited to a revolving fund to be used by the department.
- (2) The commissioner shall keep an inventory and shall charge against each officer and each individual employed as a Trooper R Class *or CVE R Class* the value of all property of the department issued to him or her, and if it is determined by the commissioner that any loss or destruction of property was due to the carelessness or neglect of an officer or an individual employed as a Trooper R Class, then the value of the property shall be deducted from the pay of the officer or the individual employed as a Trooper R Class *or CVE R Class*.
- (3) By agreement with the commissioner of highways of the Commonwealth, the commissioner of the Department of Kentucky State Police may provide for the leasing of motor vehicles and accessories thereto, radio facilities and equipment, office equipment, and other property or facilities, upon such terms and conditions and for such compensation as said agreement may provide. The commissioner of highways and the commissioner of the Department of Kentucky State Police may further provide, by agreement, for the service and repair at any state

garage of motor vehicles or accessories thereto which are owned, operated, or rented by the department, upon such terms and conditions and for such compensation as said agreement may provide. Subject to KRS Chapter 42, the department is authorized, by lease or purchase, to acquire, maintain, and operate motor vehicles, and the officers of said department, including the commissioner and individuals employed as a Trooper R Class *or CVE R Class*, are authorized and empowered to operate such motor vehicles in the course of their duties, and in carrying out the purposes, responsibilities, and functions provided for in KRS 16.010 to 16.170.

- (4) The commissioner shall establish local headquarters so as to best distribute the officers, individuals employed as a Trooper R Class *or CVE R Class*, and employees of the department throughout the various sections of the Commonwealth where they will be most efficient in carrying out the provisions of KRS 16.010 to 16.199.

➔Section 12. KRS 16.080 is amended to read as follows:

- (1) The commissioner shall promulgate administrative regulations for the enlistment, training, discipline, and conduct of officers of the department and individuals employed as a Trooper R Class *or CVE R Class*, and the commissioner may promulgate administrative regulations for the governing and operation of the department as appear to him or her reasonably necessary to carry out the provisions of KRS 16.010 to 16.170.
- (2) The commissioner may require any officer, individual employed as a Trooper R Class *or CVE R Class*, or civilian who receives or disburses public funds in the course of his or her duties to file a bond, conditioned that he or she will honestly, correctly, and according to law, receive, disburse, and account for all public moneys coming into his or her hands. The commissioner, each officer, and each individual employed as a Trooper R Class *or CVE R Class*, shall execute a bond to the Commonwealth of Kentucky in the sum of not less than two thousand dollars (\$2,000), conditioned upon the faithful discharge of his or her duties. The premium on the bonds shall be paid by the department. The commissioner, each officer of the department, and each individual employed as a Trooper R Class *or CVE R Class* shall, before entering upon the discharge of their official duties, take the constitutional oath of office.
- (3) Subject to the provisions of KRS 56.440 to 56.550, the commissioner, with the approval of the Governor and the secretary of the Finance and Administration Cabinet, may acquire real estate or interests therein, by purchase, lease, or otherwise, necessary for the purposes of the department, and, with like approval, provide for the acquisition or construction of necessary buildings and other permanent structures and facilities. Title to any real estate acquired shall be taken in the name of the Commonwealth.

➔Section 13. KRS 16.100 is amended to read as follows:

- (1) The commissioner may approve vouchers in payment of expenses, including travel, lodging and meals incurred by officers, individuals employed as a Trooper R Class *or CVE R Class*, and civilians of the department in the discharge of their duties, and such vouchers shall be audited and paid out of the department's appropriation in the manner required by law.
- (2) The commissioner may, with the approval of the secretary of the Finance and Administration Cabinet, approve payment of a per diem allowance for officers of the department and individuals employed as a Trooper R Class *or CVE R Class*, payable in a fixed sum for each day the officer or individual employed as a Trooper R Class is on duty. The per diem allowance herein provided shall not be payable when the officer or the individual employed as a Trooper R Class *or CVE R Class* is on travel status as provided by subsection (1) of this section.

➔Section 14. KRS 16.110 is amended to read as follows:

No fee for the performance of an act in line of duty, and no reward offered for the apprehension and conviction of any person or for the recovery of any property may be accepted by any officer, individual employed as a Trooper R Class *or CVE R Class*, or employee of the department, but any fee or reward to which such officer, individual employed as a Trooper R Class *or CVE R Class*, or civilian would be entitled, apart from the foregoing provision, shall be paid into the State Treasury and credited to a revolving fund, to be used by the department.

➔Section 15. KRS 16.170 is amended to read as follows:

No officer of the department or individual employed as a Trooper R Class *or CVE R Class* shall, directly or indirectly, give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever. No officer or individual employed as a Trooper R Class *or CVE R Class* shall, orally or by letter, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose whatever from any person holding a position in the department. No officer of the department or individual employed as a Trooper R Class *or CVE R*

*Class* shall take any part in political management or affairs or in political campaigns further than to cast his vote and to express privately his opinion. Violation of the provisions hereof shall be grounds for removal.

**Signed by Governor March 21, 2013.**