

**CHAPTER 38****( HB 289 )**

AN ACT relating to reorganization.

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

➔Section 1. KRS 15A.020 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet shall have the following departments:
  - (a) Department of Corrections;
  - (b) Department of Criminal Justice Training, which shall have the following divisions:
    1. Training Operations Division; *and*
    2. Administrative Division; ~~and~~
    3. ~~Training Support Division;~~
  - (c) Department of Juvenile Justice, which shall have the following divisions:
    1. Division of Medical Services;
    2. Division of Western Region;
    3. Division of Central Region;
    4. Division of Eastern Region;
    5. Division of Southeastern Region;
    6. Division of Administrative Services;
    7. Division of Program Services;
    8. Division of Placement Services;
    9. Division of Professional Development; and
    10. Division of Community and Mental Health Services;
  - (d) Department of Kentucky State Police, which shall have the following divisions:
    1. Administrative Division;
    2. Operations Division;
    3. Technical Services Division; and
    4. Commercial Vehicle Enforcement Division; and
  - (e) Department for Public Advocacy, which shall have the following divisions:
    1. Protection and Advocacy Division;
    2. Division of Law Operations;
    3. Division of Trial Services;
    4. Division of Post-Trial Services; and
    5. Division of Conflict Services.
- (2) Each department, except for the Department for Public Advocacy, shall be headed by a commissioner who shall be appointed by the secretary of justice and public safety with the approval of the Governor as required by KRS 12.040. Each commissioner shall be directly responsible to the secretary and shall have such functions, powers, and duties as provided by law and as the secretary may prescribe. The Department for Public Advocacy shall be headed by the public advocate, appointed as required by KRS 31.020, who shall be directly responsible to the Public Advocacy Commission. The Department for Public Advocacy is an

independent state agency which shall be attached to the Justice and Public Safety Cabinet for administrative purposes only. The Justice and Public Safety Cabinet shall not have control over the Department for Public Advocacy's information technology equipment and use unless granted access by court order.

- (3) The Justice and Public Safety Cabinet shall have the following offices:
- (a) Office of the Secretary, which shall be headed by a deputy secretary appointed pursuant to KRS 12.050 and responsible for the direct administrative support for the secretary and other duties as assigned by the secretary, and which, with the approval of the secretary, may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
  - (b) Office of Management and Administrative Services, which shall be headed by an executive director appointed pursuant to KRS 12.050 who shall be responsible to and report to the secretary and be responsible for all matters relating to human resources, state and federal grants management, including but not limited to the administration of KRS 15A.060, fiscal functions, management and daily operations of the information processing activities for the cabinet, and management and daily administrative services for the cabinet; and who, with the approval of the secretary, may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
  - (c) Office of Legal Services, which shall be headed by an executive director appointed pursuant to KRS 12.050 and 12.210, that:
    - 1. Shall provide legal representation and services for the cabinet; and
    - 2. May investigate all complaints regarding the facilities, staff, treatment of juveniles, and other matters relating to the operation of the Justice and Public Safety Cabinet. If it appears that there is a violation of statutes, administrative regulations, policies, court decisions, the rights of juveniles who are subject to the orders of the department, or any other matter relating to the Justice and Public Safety Cabinet, the office shall report to the secretary of the Justice and Public Safety Cabinet who shall, if required, refer the matter to a law enforcement agency, Commonwealth's attorney, county attorney, the Attorney General, or federal agencies, as appropriate. The office may be used to investigate matters in which there is a suspicion of violation of written policy, administrative regulation, or statutory law within the Department for Public Advocacy only when the investigation will have no prejudicial impact upon a person who has an existing attorney-client relationship with the Department for Public Advocacy. Notwithstanding the provisions of this subparagraph, investigation and discipline of KRS Chapter 16 personnel shall continue to be conducted by the Department of Kentucky State Police pursuant to KRS Chapter 16. The office shall conduct no other investigations under the authority granted in this subparagraph. The secretary may, by administrative order, assign the investigative functions in this subparagraph to a branch within the office.
- The executive director shall be directly responsible to and report to the secretary and, with the approval of the secretary, may employ such attorneys appointed pursuant to KRS 12.210 and other staff as necessary to perform the duties, functions, and responsibilities of the office;
- (d) Office of Legislative and Intergovernmental Services, which shall be headed by an executive director appointed pursuant to KRS 12.050 who shall be responsible for all matters relating to the provision of support to the Criminal Justice Council, legislative liaison services, and functions and duties vested in the Criminal Justice Council as described in KRS 15A.030. The executive director shall be directly responsible to and report to the secretary and may employ such staff as necessary to perform the duties, functions, and responsibilities of the office;
  - (e) Office of the Kentucky State Medical Examiner, which shall be headed by a chief medical examiner appointed pursuant to KRS 72.240 who shall be responsible for all matters relating to forensic pathology and forensic toxicology and other duties as assigned by the secretary. The executive director appointed pursuant to KRS 12.050 shall be responsible for all matters related to the administrative support of the Office of the State Medical Examiner. The executive director shall report directly to the secretary and with the approval of the secretary may employ such administrative support staff as necessary to perform the administrative duties, functions, and responsibilities of the office. The chief medical examiner shall be directly responsible to and report to the secretary and may employ such staff as necessary to perform the forensic duties, functions, and responsibilities of the office; and
  - (f) Office of Drug Control Policy, which shall be headed by an executive director appointed pursuant to KRS 12.050 who shall be responsible for all matters relating to the research, coordination, and

execution of drug control policy and for the management of state and federal grants, including but not limited to the prevention and treatment related to substance abuse. By December 31 of each year, the Office of Drug Control Policy shall review, approve, and coordinate all current projects of any substance abuse program which is conducted by or receives funding through agencies of the executive branch. This oversight shall extend to all substance abuse programs which are principally related to the prevention or treatment, or otherwise targeted at the reduction, of substance abuse in the Commonwealth. The Office of Drug Control Policy shall promulgate administrative regulations consistent with enforcing this oversight authority. The executive director shall be directly responsible to and report to the secretary and may employ such staff as necessary to perform the duties, functions, and responsibilities of the office.

➔Section 2. KRS 15A.030 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet, in addition to the departments, divisions, offices, and branches set forth in KRS 15A.020, shall consist of the following organizational units:
  - (a) Kentucky State Corrections Commission, supported by the Department of Corrections;
  - (b) Criminal Justice Council, supported by the Office of Legislative and Intergovernmental Services; *and*
  - ~~(c) Kentucky Law Enforcement Council, supported by the Department of Criminal Justice Training; and~~
  - ~~(d)~~ Kentucky Parole Board, supported by the cabinet.
- (2) Except for the Kentucky Parole Board, which shall be attached to the cabinet for administrative and support services only, each agency specified in this section shall:
  - (a) Perform its duties as specified by law;
  - (b) Except as otherwise provided by law, be under the general direction and control of the secretary;
  - (c) Perform such other duties as may be assigned to the secretary; and
  - (d) Report to the secretary.

➔Section 3. The General Assembly hereby confirms Executive Order 2016-902, dated December 19, 2016, to the extent that it is not otherwise confirmed or superseded by this Act, which reorganizes the Justice and Public and Safety Cabinet Department of Criminal Justice Training by:

- (1) Establishing the Office of Kentucky Law Enforcement Council Support within the Justice and Public Safety Cabinet. The Office shall provide support on behalf of the Department of Criminal Justice Training to the Kentucky Law Enforcement Council. The Office shall be headed by an executive director appointed by the Secretary of the Justice and Public Safety Cabinet pursuant to KRS 12.050 who shall report to the Secretary of the Justice and Public Safety Cabinet;
- (2) Establishing the Support and Records Section and the Testing Services Section within the newly created Office of Kentucky Law Enforcement Council Support;
- (3) Abolishing the Kentucky Law Enforcement Council Branch and its two support sections, the Supports and Records Section and the Testing Services Section and transferring all files, functions, personnel, and equipment to the newly created Office of Kentucky Law Enforcement Support, the Support and Records Section, Testing Services Section, and the Compliance and Carrying Concealed Deadly Weapons Section;
- (4) Abolishing the Training Support Division within the Department of Criminal Justice Training and transferring all files, funds, functions, personnel, and equipment to the newly created Office of Kentucky Law Enforcement Council Support;
- (5) Abolishing the Kentucky Community Preparedness Program Section within the Department of Criminal Justice Training;
- (6) Establishing the Compliance and Carrying Concealed Deadly Weapons Section within the Department of Criminal Justice Training to replace the Compliance and Monitoring Section of the Department of Criminal Justice Training;
- (7) Abolishing the Compliance and Monitoring Section of the Department of Criminal and Justice Training and transferring all files, functions, personnel, and equipment to the newly created Compliance and Carrying Concealed Deadly Weapons Section;

- (8) Establishing the Administrative Branch within the Department of Criminal Justice Training to include the following sections: Legal Training Section, Coordination Section, Instructional Design Section; and the Records and Registration Section;
- (9) Abolishing the Instructional Design Section of the Training Operations division within the Department of Criminal Justice Training;
- (10) Establishing the Criminal Investigations Branch, to include the following sections: Special Topics Section, Investigative Techniques Section; and Leadership Section;
- (11) Abolishing the Basic Training Branch, including the General Studies Section, Evaluation Section, and DUI Enforcement Section;
- (12) Abolishing the Leadership Institute Branch, including the Leadership Section, Legal Training Section, and Louisville Section;
- (13) Abolishing the Skills Branch, including the Firearms Section, Vehicle Operations Section, Physical Training and Defensive Tactics Section, and Incident Command and Tactical Response Section;
- (14) Establishing the Special Operations Branch, including the Firearms Section, Patrol Tactics Section, and Physical Training Section;
- (15) Abolishing the Advanced Individual Training Branch, including the Advanced Telecommunications Section, Basic Telecommunications Section, Investigations Section, and Patrol and Traffic Section;
- (16) Establishing the Field Operations Branch, to include the Patrol Procedures Section, Traffic Operations Section, Telecommunications Section, and Louisville Field Section;
- (17) Abolishing the Records and Registration Section and Technical Services Section within the Information Systems Branch;
- (18) Establishing the Records and Registration Section within the Training Operations Divisions of the Administrative Branch;
- (19) Establishing the Technical Services Section within the Supply Branch, Administrative Division; and
- (20) Abolishing the Computer Systems Section from within the Information Systems Branch and transferring and distributing all services to the Facilities Section, Supply Branch Section, the Technical Services Section, Information Systems Management Branch, and the Commonwealth Office of Technology, Finance and Administration Cabinet.

**Signed by Governor March 20, 2017.**