

CHAPTER 83**(HB 275)**

AN ACT relating to law enforcement.

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

➔Section 1. KRS 70.045 is amended to read as follows:

- (1) (a) The sheriff of a county with a population of ten thousand (10,000) or more may appoint and have sworn in and entered on the county clerk order book *either*:
1. One (1) special deputy for each two thousand five hundred (2,500) residents or part thereof in his county; *or*
 2. ***Up to a maximum of ten (10) special deputies, regardless of the population of the county;***~~;~~
- to assist him with general law enforcement and maintenance of public order.
- (b) The sheriff of a county with a population of less than ten thousand (10,000) may appoint and have sworn in and entered on the county clerk order book one (1) special deputy for each one thousand (1,000) residents or part thereof in his county, to assist him with general law enforcement and maintenance of public order.

The population of the county shall be determined by the most recent count or estimate by the Federal Bureau of Census.

- (2) The sheriff in each county may appoint and have sworn in, and entered on the county clerk order book, as many special deputies as needed to assist him in the execution of his duties and office in preparation for or during an emergency situation, such as fire, flood, tornado, storm, or other such emergency situations. For purposes of this section only, an emergency situation is a condition which, in the judgment of the sheriff, requires a response immediately necessary for the preservation of public peace, health or safety, utilizing special deputies previously appointed in preparation for the contingency.
- (3) The special deputy shall:
- (a) Be appointed and dismissed on the authority of the sheriff;
 - (b) Not receive any monetary compensation for his time or services;
 - (c) Serve at the request of the sheriff, unless personal conditions rule otherwise;
 - (d) Be answerable to and under the supervision of the sheriff, who shall be responsible for the actions of the special deputy; and
 - (e) Be appointed regardless of race, color, creed, or position.
- (4) The position of special deputy as created and defined in subsections (1), (2), and (3) is subject to the provisions of this section only.

➔Section 2. KRS 67C.319 is amended to read as follows:

- (1) Every consolidated local government police force merit system board created shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, probation, promotion, demotion, transfer, lay-off, reinstatement, suspension, and removal of the officers covered by KRS 67C.303, 67C.305, 67C.307, and 67C.309. No rule or regulation made, promulgated, or amended by any consolidated local government police force merit system board shall be inconsistent with the express provisions of this chapter. The board shall publish its rules and any amendments and shall supply certified copies to the mayor, legislative council, and the police chief and shall post a copy conspicuously in the office or place where the headquarters of the consolidated local government police is maintained. The copies of the rules and amendments shall be distributed and posted in the manner prescribed within three (3) days after adoption.
- (2) The rules in addition to other matters shall specifically provide for and cover the following:
- (a) Physical, mental, educational, citizenship, and age requirements for new officers;

- (b) Physical, mental, educational, citizenship, age, and length of service requirements for promotion from lower to higher rank or classification;
 - (c) A requirement that police officers, *since their most recent date of entry into that rank*, have *at least*:
 - 1. Five (5) years of *continuous* service as police officers before being eligible for promotion to the rank of sergeant; *and*
 - 2. *One (1) year of continuous service as police sergeants before being eligible for promotion to the rank of lieutenant*;
 - (d) Provision for open, competitive, written, oral, and other mental and physical examinations to determine the relative fitness of all candidates for original appointment and for promotion;
 - (e) A requirement of public notice of all examinations to be given by the merit board;
 - (f) Organization and meetings of the board; and
 - (g) Procedure and conduct of public hearings.
- (3) The board, with the approval of the mayor, shall employ a chief examiner who shall be professionally qualified and experienced in the field of testing and who shall formulate, give, grade, and administer all written or other examinations as required by the board.
- (4) Physical fitness for promotion shall be presumed unless certified to the contrary by the chief of police who shall supply the board with medical records of the disability.
- (5) At least ninety (90) days' notice shall be given before a promotional examination is conducted.
- (6) Promotional tests shall be graded, as determined by the board, to include *scores on the* written, oral, ~~or~~ and other examination ~~components~~ *scores*. In addition, seniority ~~[, not to exceed ten percent (10%) of a candidate's final evaluated rating,]~~ shall be awarded for each year of *full-time continuous* service *since being hired as a police recruit or police officer. If the candidate has been rehired after a period of separation, seniority for promotional tests shall be calculated from the most recent hire date.* The results of the written, oral, ~~or~~ and other ~~examination components~~ *examinations* shall be combined with *the* seniority *component* to determine the applicant's final ~~earned~~ *evaluated* rating. *The board shall determine the weight for each component of the final earned rating, including seniority. The weight assigned to seniority as a component shall not exceed ten percent (10%) of the maximum number of points attainable for all examination components combined.* If the number of candidates exceeds the number of positions in the rank for which the candidates are being tested, the chief examiner may set a cut-off score on any of the tests, excluding seniority, that candidates must meet or exceed in order for them to progress in the selection process. The cut-off score shall be set such that the number of candidates equals one-half (1/2) the number of positions in the rank for which the candidates are being tested, that number to be rounded up, at the time of the posting. If ties exist at the cut-off score, individuals having tied scores shall progress in the selection process.
- (7) Promotional eligibility lists shall contain the names of successful candidates in the order of their standing through examination. An individual's results and ratings are subject to review by the individual candidate but are otherwise confidential.
- (8) The chief examiner shall compile the results of all examinations. Upon completion of grading of examinations, candidates shall be informed by mail of the final evaluated rating attained and their individual ranking on the eligibility list. An applicant may, by appointment, discuss his or her examination results within the offices of the chief examiner during business hours at any time when such review will not interfere with the work of the board. Such review must be requested within ten (10) calendar days following the establishment of the eligibility list. The board shall make examination questions and answers available for inspection by the applicant upon the filing of a written challenge.
- (9) In filling promotional vacancies, the chief of police shall select from not more than five (5) candidates graded highest on the appropriate eligibility list. The board shall determine the justification for not promoting a candidate with the higher evaluated rating who has been certified for promotion four (4) times. If the board determines that the candidate's nonpromotion is unjustified or unsupported by the evidence, the candidate shall be promoted. The certified rank list for promotions shall be valid for two (2) years and shall not be extended. All promotional vacancies shall be filled within sixty (60) days of the vacancy.
- (10) *For the purposes of this section:*

- (a) *"Continuous service" means the period of time in which a police officer has been employed full-time in that position with the consolidated local government police department without separation. Continuous service shall not be broken if an employee, who has been involuntarily terminated, is reinstated by legal process; and*
- (b) *"Separation" means removal from employment as a police officer but shall not include lawful leaves of absence from duty such as military leave, medical leave, or other lawful absences where return to duty is ordinarily expected.*

Signed by Governor April 2, 2018.