

CHAPTER 89

(HB 140)

AN ACT relating to law enforcement and firefighters, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. KRS 15.410 is amended to read as follows:

It is the intention of the General Assembly to:

- (1) **Ensure**~~assure~~ that the criminal laws of the Commonwealth are enforced fairly, uniformly, and effectively throughout the state by strengthening and upgrading~~local~~ law enforcement;~~to~~
- (2) Attract competent, highly qualified young people to the field of law enforcement and to retain qualified and experienced officers for the purpose of providing maximum protection and safety to the citizens of, and the visitors to, this Commonwealth; and~~to~~
- (3) Offer a state monetary supplement for~~local~~ law enforcement officers while upgrading the educational and training standards of ~~the~~~~such~~ officers.

➔Section 2. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

- (1) **"Cabinet" means the Justice and Public Safety Cabinet;**~~"Local unit of government" means any city or county, combination of cities and counties, state or public university, or county sheriff's office of the Commonwealth.~~
- (2) (a) "Police officer" means:
 1. **A local officer, limited to:**
 - a. A full-time:
 - i. Member of a lawfully organized police department of county, urban-county, or city government; ~~or~~~~a~~
 - ii. Sheriff or full-time deputy sheriff, including any *sheriff* providing court security or appointed under KRS 70.030;~~or~~
 - b. **A school security officer; and**
 2. **A state officer, limited to:**
 - a. ~~A state or~~ public university police officer;
 - b. **A Kentucky state trooper;**
 - c. **A Kentucky State Police arson investigator;**
 - d. **A Kentucky State Police hazardous device investigator;**
 - e. **A Kentucky State Police legislative security specialist;**
 - f. **A Kentucky vehicle enforcement officer;**
 - g. **A Kentucky Horse Park mounted patrol officer, subject to subsection (1)(f) of Section 6 of this Act;**
 - h. **A Kentucky state park ranger, subject to subsection (1)(f) of Section 6 of this Act;**
 - i. **An agriculture investigator;**
 - j. **A charitable gaming investigator;**
 - k. **An alcoholic beverage control investigator;**
 - l. **An insurance fraud investigator;**

- m. An Attorney General investigator; and*
- n. A Kentucky Department of Fish and Wildlife Resources conservation officer, subject to subsection (1)(e) of Section 6 of this Act;*

who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state; ~~[- but]~~

- (b) *"Police officer"* does not include ~~[- Department of Kentucky State Police,]~~ any sheriff who earns the maximum constitutional salary for this office, any special deputy sheriff appointed under KRS 70.045, any constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer, or any other peace officer not specifically authorized in KRS 15.410 to 15.510; ~~[-]~~
- (3) *"Police department" means the employer of a police officer;*
- (4) *"Retirement plan" means a defined benefit plan consisting of required employer contributions pursuant to KRS 61.565, 61.702, or any other provision of law;*
- (5) *"Unit of government" means any city, county, combination of cities and counties, public university, state agency, local school district, or county sheriff's office of the Commonwealth; and ["Council" means the Kentucky Law Enforcement Council.]*
- (6) ~~[(4)]~~ *"Validated job task analysis" means the core job description ~~that~~ ~~which~~ describes the minimum entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth, ~~and that~~ ~~which~~ is 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 3. KRS 15.430 is amended to read as follows:

- (1) There is hereby established the Law Enforcement Foundation Program fund consisting of appropriations from the general fund of the Commonwealth of Kentucky ~~[-]~~ and insurance premium surcharge proceeds ~~that~~ ~~which~~ accrue to this fund pursuant to KRS 42.190 and 136.392. Any other funds, gifts, or grants made available to the state for distribution to ~~local~~ units of government in accordance with the provisions of KRS 15.410 to 15.510 also shall be made a part of this fund.
- (2) All moneys ~~remaining in this fund on July 1, 1982, and~~ deposited *in this fund* ~~thereafter~~, including earnings from their investment, shall be deemed a trust and agency account ~~[- but, beginning with fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse.]~~ ~~On and after July 1, 1999,~~ Moneys in this account shall not lapse.

➔Section 4. KRS 15.440 is amended to read as follows:

- (1) Each ~~local~~ unit of government ~~that~~ ~~which~~ meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:
 - (a) Employs one (1) or more police officers;
 - (b) Pays every police officer at least the minimum federal wage;
 - (c) *Requires all police officers to have, at a minimum,* ~~Maintains the minimum educational requirement of~~ a high school degree, or its equivalent as determined by the ~~Kentucky Law Enforcement~~ council, *except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510* ~~for employment of police officers on or after July 1, 1972, and for all sheriffs appointed or elected on or after July 15, 1998, and all deputy sheriffs, and state or public university police officers employed after July 15, 1998; provided, however, that all police officers employed prior to July 1, 1972, shall be deemed to have met the requirements of this subsection, and that all sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to July 15, 1998,~~ shall be deemed to have met the requirements of this subsection;
 - (d) 1. Requires all police officers ~~employed on or after July 1, 1972, and all sheriffs appointed or elected on or after July 15, 1998, and deputy sheriffs, and state or public university police officers employed on or after January 1, 1998,~~ to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the ~~Kentucky Law Enforcement~~ council, which may provide a different number of hours of instruction as established in this paragraph, *except that*

each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510~~[. All sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to January 1, 1998,]~~ shall be deemed to have met the requirements of this subsection.

2. As the exclusive method by which the number of hours required for basic training courses shall be modified from that which is specifically established by this paragraph, the council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, explicitly set the exact number of hours for basic training at a number different from nine hundred twenty-eight (928) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis.
 3. If the council sets an exact number of hours different from nine hundred twenty-eight (928) in an administrative regulation as *provided by*~~[set out in]~~ this paragraph, it shall not further change the number of hours required for basic training without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A.
 4. Nothing in this paragraph shall be interpreted to prevent the council, pursuant to its authority under KRS 15.330, from approving training schools with a curriculum requiring attendance of a number of hours that exceeds nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation as *provided*~~[set out]~~ by subparagraphs 2. and 3. of this paragraph. However, the training programs and schools for the basic training of law enforcement personnel conducted by the department pursuant to KRS 15A.070 shall not contain a curriculum that requires attendance of a number of hours for basic training that is different from nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation promulgated by the council pursuant to the provisions of KRS Chapter 13A as *provided*~~[set out]~~ by subparagraphs 2. and 3. of this paragraph.
 5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
 - a. Years of service credit as a law enforcement officer with previous service in another state; and
 - b. Basic training completed in another state;
- (e) Requires all police officers~~[, whether originally employed before or after July 1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998, and all deputy sheriffs and state or public police officers employed before, on, or after July 15, 1998,]~~ to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of *the officer's police*~~[his]~~ department, of forty (40) hours' duration, of which the number of hours shall not be changed by the council, at a school certified or recognized by the~~[Kentucky Law Enforcement]~~ council. This requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;
- (f) *Complies*~~[Requires compliance]~~ with all provisions of law applicable to *police officers or police departments*~~[local police, state or public university police, or sheriffs and their deputies]~~, including transmission of data to the centralized criminal history record information system as required by KRS 17.150;
- (g) *Complies*~~[Requires compliance]~~ with all~~[reasonable]~~ rules and regulations, appropriate to the size and location of the~~[local]~~ police department~~[, state or public university police department, or sheriff's office,]~~ issued by the~~[Justice and Public Safety]~~ cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
- (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that~~[meets the standards set forth by, and]~~ has been approved by~~[,]~~ the~~[Justice and Public Safety]~~ cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include *a purpose statement*~~[statements]~~; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult

abuse and domestic violence to the Cabinet for *Health and Family Services*~~[Families and Children]~~, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records; and

- (i) Possesses by January 1, 2017, a written policy and procedures manual related to sexual assault examinations that meets the standards *provided*~~[set forth]~~ by, and has been approved by, the~~[Justice and Public Safety]~~ cabinet, and which includes:
1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;
 2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the *police* department be transmitted to a *police* department with jurisdiction within ten (10) days of its receipt by the *police* department;
 3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the *police* department;
 4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility; and
 5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched.
- (2) A~~[No local]~~ unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund *only if*~~[unless]~~ the~~[local]~~ police department *of the unit of government remains in compliance*~~[, state or public university police department, or sheriff's office actually begins and continues to comply]~~ with the requirements of this section~~[; provided, further, that no local unit shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund until the local police department, state or public university police department, or sheriff's office has substantially complied with subsection (1)(f) and (g) of this section].~~
- (3) *Deputies employed by* a sheriff's office shall *be eligible to participate*~~[not lose eligibility to share]~~ in the distribution of funds from the Law Enforcement Foundation Program fund *regardless of participation by*~~[if]~~ the sheriff~~[does not participate in the Law Enforcement Foundation Program fund].~~
- (4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

➔Section 5. KRS 15.450 is amended to read as follows:

- (1) The secretary or his or her designated representative shall administer the Law Enforcement Foundation Program fund pursuant to the provisions of KRS 15.410 to 15.510 and may promulgate any administrative regulations as~~[, in his or her judgment, are]~~ necessary to carry out *the*~~[his]~~ responsibilities under KRS 15.410 to 15.510. Administrative hearings promulgated by administrative regulation under authority of this section shall be conducted in accordance with KRS Chapter 13B.
- (2) The secretary or *the*~~[his]~~ designated representative~~[shall determine which local units of government are eligible to share in the Law Enforcement Foundation Program fund and]~~ may withhold or terminate payments to any~~[local]~~ unit *of government* that does not comply with the requirements of KRS 15.410 to 15.510 or the administrative regulations issued by the~~[Justice and Public Safety]~~ cabinet under KRS 15.410 to 15.510.
- (3) The~~[Justice and Public Safety]~~ cabinet shall, from moneys appropriated and accruing to the fund as provided under KRS 15.430, receive reimbursement for the salaries and other costs of administering the fund, including, but not limited to, council operations and expenses. The amount to be reimbursed for any given year shall be determined by the council and shall not exceed five percent (5%) of the total amount of funds for that year.
- (4) The~~[Justice and Public Safety]~~ cabinet shall furnish periodically to the council any reports as may be deemed reasonably necessary.

➔ Section 6. KRS 15.460 is amended to read as follows:

- (1) (a) Except as provided in subsection (4)(a) of this section, ~~beginning July 15, 1998,~~ an eligible ~~local~~ unit of government shall be entitled to receive ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750) for each qualified police officer it employs, and beginning on July 1, 1999,~~ an annual supplement of three thousand dollars (\$3,000) for each qualified police officer it employs. ***The supplement amount shall be increased to four thousand dollars (\$4,000) beginning July 1, 2018.***
- (b) 1. ***In addition to the supplement, the unit of government shall receive ~~plus~~ an amount equal to the required employer's contribution on the supplement to the ~~retirement~~ ~~defined benefit pension~~ plan and duty category to which the officer belongs ~~, but no more than the required employer's contribution to the County Employees Retirement System hazardous duty category~~. In the case of County Employees Retirement System membership, the ~~retirement plan~~ ~~pension~~ contribution on the supplement shall be paid whether the officer enters the system under hazardous duty coverage or nonhazardous coverage.***
2. The ~~local~~ unit of government shall pay the amount received for retirement ***plan*** coverage to the appropriate retirement system to cover the required employer contribution on the pay supplement.
3. ~~If ~~should~~~~ the foundation program funds ***are*** ~~be~~ insufficient to pay employer contributions to the system, then the total amount available for ***retirement plan*** ~~pension~~ payments shall be prorated to each eligible government so that each receives the same percentage of required ***retirement plan*** ~~pension~~ costs attributable to the cash salary supplement.
- (c) 1. ***In addition to the payments received under paragraphs (a) and (b) of this subsection, but only if sufficient funds are available to make all payments required under paragraph (b) of this subsection, each unit of government shall receive an administrative expense reimbursement in an amount equal to seven and sixty-five one-hundredths percent (7.65%) of the total annual supplement received greater than three thousand one hundred dollars (\$3,100) for each qualified police officer that is a local officer as defined in subsection (2)(a)1. of Section 2 of this Act that it employs, subject to the cap established by subparagraph 3. of this paragraph.***
2. ***The unit of government may use the moneys received under this paragraph in any manner it deems necessary to partially cover the costs of administering the payments received under paragraph (a) of this subsection.***
3. ***The total amount distributed under this paragraph shall not exceed the total sum of five hundred twenty-five thousand dollars (\$525,000) for each fiscal year. If there are insufficient funds to provide for full reimbursement as provided in subparagraph 1. of this paragraph, then the amount shall be distributed pro rata to each eligible unit of government so that each receives the same percentage attributable to its total receipt of the cash salary supplement.***
- (d) ***In addition to the payments received under paragraphs (a) and (b) of this subsection, each unit of government shall receive the associated fringe benefits costs for the total supplement of four thousand dollars (\$4,000) for each qualified police officer that is a state officer as defined in subsection (2)(a)2. of Section 2 of this Act that it employs. Fringe benefits shall be limited to retirement plan contributions and the federal insurance contributions act tax.***
- (e) ***Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky Department of Fish and Wildlife Resources conservation officer appointed pursuant to KRS 150.090(1) and listed in subsection (2)(a)2.n. of Section 2 of this Act shall be a participant in the Kentucky Law Enforcement Foundation Program fund, but shall not receive an annual supplement from that fund. A conservation officer shall receive an annual training stipend commensurate to the annual supplement paid to the police officer as defined in Section 1 of this Act. The annual training stipend disbursed to a conservation officer shall be paid from the game and fish fund pursuant to Section 14 of this Act; and***
- (f) ***Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall be deemed a police officer solely for the purpose of inclusion in the Law Enforcement Foundation Program fund.***
- (2) ***The supplement provided in subsection (1) of this section shall be paid by the unit of government to each police officer whose qualifications resulted in receipt of a supplemental payment. The payment shall be in***

~~addition to the police officer's~~ ~~Each qualified police officer, whose local government receives a supplement pursuant to subsection (1) of this section, shall be paid by the local government the supplement which his or her qualifications brought to the local government. The supplement paid each police officer shall be in addition to his or her~~ regular salary and, except as provided in subsection (4)(b) of this section, shall continue to be paid to ~~a police~~ ~~an~~ officer who is a member of:

- (a) The Kentucky National Guard during any period of activation under Title 10 or 32 of the United States Code or KRS 38.030; or
 - (b) Any reserve component of the United States Armed Forces during any period of activation with the United States Armed Forces.
- (3) (a) ~~A~~ ~~Each~~ qualified sheriff who receives the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.
- (b) ~~A~~ ~~Each~~ qualified sheriff who does not receive the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the expense allowance provided by KRS 70.170, shall upon annual settlement with the fiscal court under KRS 134.192, receive that portion of the supplement that will not cause his or her compensation to exceed the maximum salary.
- (c) ~~A~~ ~~Each~~ qualified sheriff who seeks to participate in the fund shall forward a copy of the annual settlement prepared under KRS 134.192 to the fund. The sheriff shall reimburse the fund if an audit of the annual settlement conducted pursuant to KRS 134.192 reflects that the sheriff received all or a portion of the supplement in violation of this section. A sheriff who fails to provide a copy of the annual settlement to the fund or to reimburse the fund after correction by audit, if required, shall not be qualified to participate in the fund for a period of two (2) years.
- (d) ~~A~~ ~~Each~~ qualified deputy sheriff shall receive the supplement from the sheriff if the sheriff administers his or her own budget or from the county treasurer if the sheriff pools his or her fees. The failure of a sheriff to comply with the provisions of this section shall not affect the qualification of his or her deputies to participate in the fund.
- (4) (a) Eligible ~~local~~ units of government shall receive the salary supplement, excluding funds applicable to the employer's **retirement plan** ~~pension fund~~ contribution, provided in subsection (1) of this section for distribution to ~~a police~~ ~~an~~ officer who is eligible under subsection (2) of this section.
- (b) A qualified police officer receiving a salary supplement during any period of military activation, as provided in subsection (2) of this section, shall not be entitled to receive the employer's **retirement plan** ~~pension system~~ contribution, and the salary supplement shall not be subjected to an employee's contribution to a **retirement plan** ~~pension system~~. The salary supplement shall otherwise be taxable for all purposes.
- (5) *A unit of government receiving disbursements under this section shall follow all laws applicable to it that may govern due process disciplinary procedures for its officers, but this subsection shall not be interpreted to:*
- (a) *Authorize the department, the cabinet, or the council to investigate, judge, or exercise any control or jurisdiction regarding the compliance of a unit of government with laws that may govern due process disciplinary procedures for its officers, except as otherwise provided by laws;*
 - (b) *Create a private right of action for any police officer regarding an agency's participation in this section;*
 - (c) *Authorize a termination of an agency's participation as a result of a judgment that the unit of government failed to follow its procedures in any independent cause of action brought by the police officer against the unit of government; or*
 - (d) *Prevent the adoption, amendment, or repeal of any laws that may govern the due process disciplinary procedures of a unit of government's police officers.*

➔Section 7. KRS 15.470 is amended to read as follows:

Law Enforcement Foundation Program funds made available to ~~local~~ units **of government** shall be received, held, and expended in accordance with the provisions of KRS 15.410 to 15.510, including the administrative regulations promulgated by the ~~Justice and Public Safety~~ cabinet and the following specific restrictions:

- (1) Funds provided shall be used only as a cash salary supplement to police officers, for payments to the ~~retirement~~~~defined benefit pension~~ plan to which the officer belongs to cover employer retirement costs on the cash salary supplement, and for administrative costs as provided in KRS 15.450;
- (2) Funds provided shall be used only to compensate police officers who have complied with KRS 15.440(1)(c), (d), and (e);
- (3) Each police officer shall be entitled to receive the state supplement *that the officer's*~~which his~~ qualifications brought to the ~~local~~ unit *of government*;
- (4) Funds provided shall not be used to supplant existing salaries or as a substitute for normal salary increases periodically due to police officers;
- (5) Each police officer receiving the state supplement who is also a member of the Kentucky National Guard or any reserve component of the United States Armed Forces shall continue to receive the state supplement during any period of military activation, as provided in KRS 15.460(2); and
- (6) Funds distributed or received pursuant to subsection (5) of this section shall be excluded from all aspects of the Kentucky Retirement Systems or any other retirement system.

➔Section 8. KRS 15.480 is amended to read as follows:

The Finance and Administration Cabinet, on the certification of the ~~Justice and Public Safety~~ cabinet, shall draw warrants as specified hereinafter on the State Treasurer for the amount of the Law Enforcement Foundation Program fund due each participating ~~local~~ unit *of government*. Checks shall be issued by the State Treasurer and transmitted to the ~~Justice and Public Safety~~ cabinet for distribution to the proper officials of participating ~~local~~ units *of government that* ~~which~~ have complied with the provisions of KRS 15.410 to 15.510 and the administrative regulations of the ~~Justice and Public Safety~~ cabinet. ~~Beginning July 1, 1972, and~~ On the first day of each month ~~thereafter~~, the share of each eligible and participating ~~local~~ unit of government shall be distributed from the Law Enforcement Foundation Program fund.

➔Section 9. KRS 15.490 is amended to read as follows:

- (1) Each participating ~~local~~ unit of government shall submit reports to the ~~Justice and Public Safety~~ cabinet on March 31, June 30, September 30, and December 31 of each year containing information relative to number, rank, education, training, and compensation of police officers employed by it and the disposition made of any state or other funds received pursuant to KRS 15.410 to 15.510. Nothing in this section shall prohibit the ~~Justice and Public Safety~~ cabinet from requiring additional information or reports from participating ~~local~~ units of government;
- (2) ~~Local~~Units of government shall include the additional compensation paid to each police officer from the Law Enforcement Foundation Program fund as a part of the officer's salary in determining all payroll deductions.

➔Section 10. KRS 15.500 is amended to read as follows:

- (1) If funds appropriated by the General Assembly and otherwise made available to the Law Enforcement Foundation Program fund are insufficient to provide the amount of money required by KRS 15.460, the ~~Justice and Public Safety~~ cabinet shall establish the rate of assistance to be paid ~~to eligible local units of governments~~.
- (2) Funds unexpended by the ~~Justice and Public Safety~~ cabinet at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund, pursuant to KRS 15.430, 42.190 and 136.392, shall not lapse as provided by KRS 45.229 but shall be carried forward into the following fiscal year and shall be used solely for the purposes specified in KRS 15.410 to 15.500.

➔Section 11. KRS 15.520 is amended to read as follows:

- (1) As used in this section:
 - (a) "Citizen" means any individual who is not:
 1. A member or supervisor within the law enforcement agency that employs an officer; or
 2. An elected or appointed official within the unit of government under which the law enforcement agency that employs the officer is organized;

- (b) "Complaint" means any statement by a citizen, whether written or verbal, that alleges any type of misconduct by an officer, including statements that are submitted or received anonymously;
 - (c) "Disciplinary action" means termination, demotion, a decrease in pay or grade, suspension without pay, and a written reprimand;
 - (d) "General employment policies" means the rules, regulations, policies, and procedures commonly applicable to the general workforce or civilian employees that are not unique to law enforcement activities or the exercise of peace officer authority, regardless of whether those rules, regulations, policies, and procedures exist or appear in a departmental manual or handbook that is solely applicable to a law enforcement department or agency within the unit of government employing the officer;
 - (e) "Interrogation" means a formal investigative interview and does not mean conversations or meetings of supervisory personnel and subordinate officers that are not intended to result in disciplinary action, such as conversations or meetings held for the purpose of providing corrective instruction counseling or coaching;
 - (f) "Law enforcement procedures" means only those policies, rules, and customs that:
 1. Are specific to the conduct of officers in the exercise of law enforcement powers and functions, including, without limitation: use of force, conduct in the course of pursuits, conduct during stops or detentions of citizens, conduct in the course of interacting with, assisting, or questioning of citizens, and investigative conduct;
 2. Are carried out in the course of peace officer functions;
 3. Are not general employment policies; and
 4. May exist in either written form or in the form of unwritten standards, practices, or protocols generally accepted and applied in the law enforcement profession;
 - (g) "Misconduct" means any act or omission by an officer that violates criminal law, law enforcement procedures, or the general employment policies of the employing agency; and
 - (h) "Officer" means a person employed as a full-time peace officer by a unit of government that receives funds under KRS 15.410 to 15.510, ***except a state officer listed in subsection (2)(a)2.b. to f. and n. of Section 2 of this Act***, who has completed any officially established initial probationary period of employment lasting no longer than twelve (12) months not including, unless otherwise specified by the employing agency, any time the officer was employed and completing the basic training required by KRS 15.404.
- (2) In order to establish a minimum system of professional conduct for officers of local units of government of this Commonwealth, the following standards are stated as the intention of the General Assembly to deal fairly and ~~establish~~ administrative due process rights in certain disciplinary matters concerning those officers of an employing unit of government that participates in the Kentucky Law Enforcement Foundation Program fund administered pursuant to KRS 15.430 and, at the same time, to provide a means for redress by the citizens of the Commonwealth for wrongs allegedly done to them by officers covered by this section.
- (3) Any complaint taken from a citizen alleging misconduct on the part of any officer shall be taken as follows:
- (a) If the complaint alleges criminal activity by an officer, the allegations may be investigated without a signed, sworn complaint of the citizen;
 - (b) If the complaint alleges any other type of violation not constituting criminal activity, including violations of law enforcement procedures or the general employment policies of the employing agency, an affidavit, signed and sworn to by the citizen, shall be obtained, except as provided by paragraph (c) of this subsection; or
 - (c) If a complaint is required to be obtained and the citizen, upon request, refuses to make allegations under oath in the form of an affidavit, signed and sworn to, the employing agency may investigate the allegations, but shall bring charges under subsection (6) of this section against the officer only if the employing agency can independently substantiate the allegations absent the sworn statement of the citizen.
- (4) (a) When an officer is accused of an act or omission that would constitute a violation of law enforcement procedures by any individual within the law enforcement agency employing the officer, including supervisors and elected or appointed officials of the officer's employing agency, the employing agency

shall conform the conduct of any investigation to the provisions of subsection (5) of this section, shall formally charge the officer in accordance with subsection (6) of this section, and shall conduct a hearing in accordance with subsection (7) of this section before any disciplinary action shall be taken against the officer.

- (b) The provisions of this subsection shall not prevent the employing agency from suspending the officer, with or without pay, during an investigation and pending the final disposition of any formal charges, except that an officer suspended without pay shall be entitled to full back pay and benefits for the regular hours he or she would have worked if no formal charges are brought or the hearing authority finds the officer not guilty of the charges.
 - (c) An employing agency shall not be required to follow the provisions of this section in addressing conduct by the officer that would constitute a violation of the general employment policies of the employing agency.
- (5) (a) Any complaint filed by a citizen under subsection (3) of this section or any allegation of conduct that would constitute a violation of law enforcement procedures under subsection (4) of this section shall be investigated by the employing agency or another designated law enforcement agency in accordance with the provisions of this subsection if the employing agency determines that an investigation of the complaint or the alleged conduct is warranted.
- (b) No threats, promises, or coercions shall be used at any time against any officer while he or she is a suspect in a criminal case or has been accused of a violation of law enforcement procedures. Suspension from duty with or without pay, or reassignment to other than an officer's regular duties during the period shall not be deemed coercion. Prior to or within twenty-four (24) hours after suspending the officer pending investigation or disposition of a complaint, the officer shall be advised in writing of the reasons for the suspension.
 - (c) Unless otherwise agreed to in writing by the officer, no police officer shall be subjected to interrogation for alleged conduct that violates law enforcement procedures, until forty-eight (48) hours have expired from the time the request for interrogation is made to the accused officer, in writing. The notice of interrogation shall include a statement regarding any reason for the interrogation and shall be served on the officer by certified mail, return receipt requested, or by personal delivery.
 - (d) The interrogation shall be conducted while the officer is on duty. The officer may be required to submit a written report of the alleged incident if the request is made by the employing agency no later than the end of the subject officer's next tour of duty after the tour of duty during which the employing agency initially was made aware of the complaint.
 - (e) If an officer is under arrest, or likely to be arrested, or a suspect in any criminal investigation, he or she shall be afforded the same constitutional due process rights that are accorded to any civilian, including, but not limited to, the right to remain silent and the right to counsel, and shall be notified of those rights before any questioning commences.
- (6) (a) If it is determined through investigation or other means that the facts alleged in a citizen complaint or in an accusation of a violation of law enforcement procedures warrant charging the officer, the charge shall be made in writing with sufficient specificity so as to fully inform the officer of the nature and circumstances of the alleged violation in order that he or she may be able to properly defend himself or herself.
- (b) The charge shall be signed by a representative of the employing agency, shall set out the disciplinary action recommended or imposed, and shall be served on the officer in writing by certified mail, return receipt requested, or by personal delivery.
 - (c) When an officer has been charged with a violation of law enforcement procedures, no public statements shall be made concerning the alleged violation by any person or persons of the employing agency or the officer so charged, until final disposition of the charges.
 - (d) No officer as a condition of continued employment by the employing agency shall be compelled to speak or testify or be questioned by any person or body of a nongovernmental nature.
- (7) Unless waived by the charged officer in writing, a hearing shall be conducted by the officer's appointing authority to determine whether there is substantial evidence to prove the charges and to determine what, if any, disciplinary action shall be taken if substantial evidence does exist. In conducting a hearing, the following

administrative due process rights shall be recognized and these shall be the minimum rights afforded any officer charged, except as otherwise agreed to in writing by the officer and the employing agency:

- (a) The accused officer shall be given at least twelve (12) days' written notice of any hearing. The notice of hearing shall be served on the officer by certified mail, return receipt requested, or by personal delivery;
 - (b) Copies of any sworn statements or affidavits to be considered by the hearing authority and any exculpatory statements or affidavits shall be furnished to the officer no less than twelve days (12) prior to the time of any hearing;
 - (c) At any hearing based upon the sworn complaint of a citizen, the citizen shall be notified to appear at the time and place of the hearing by certified mail, return receipt requested, or by personal delivery;
 - (d) If the return receipt has been returned unsigned, or the individual does not appear, except due to circumstances beyond his or her control he or she cannot appear at the time and place of the hearing, any charge resulting from a complaint made by that citizen shall not be considered by the hearing authority and shall be dismissed with prejudice;
 - (e) The accused officer shall have the right and opportunity to obtain and have counsel present, and to be represented by counsel;
 - (f) The appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes shall subpoena and require the attendance of witnesses and the production by them of books, papers, records, and other documentary evidence at the request of the accused officer or the charging party. If any person fails or refuses to appear under the subpoena, or to testify, or to attend, or produce the books, papers, records, or other documentary evidence lawfully required, the appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes may report to the Circuit Court or any judge thereof the failure or refusal, and apply for a rule. The Circuit Court, or any judge thereof, may on the application compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court;
 - (g) The accused officer shall be allowed to present witnesses and any documentary or other relevant evidence the officer wishes to provide to the hearing authority, and may cross-examine all witnesses called by the charging party;
 - (h) If any officer who has been suspended with or without pay is not given a hearing as provided by this section within seventy-five (75) days of any charge being filed pursuant to this section, the charge shall be dismissed with prejudice and shall not be considered by any hearing authority and the officer shall be reinstated with full back pay and benefits;
 - (i) Any officer who has been suspended without pay who is found not guilty of the charges by the hearing authority shall be reinstated with the full back pay and benefits for the regular hours he or she would have worked;
 - (j) The failure to provide any of the rights or to follow the provisions of this section may be raised by the officer with the hearing authority. The hearing authority shall not exclude proffered evidence based on failure to follow the requirements of this section but shall consider whether, because of the failure, the proffered evidence lacks weight or credibility and whether the officer has been materially prejudiced; and
 - (k) To the extent the provisions of KRS 61.805 to 61.850 are applicable, the hearing authority may conduct the hearing required by this subsection in a closed session, unless the officer requests of the hearing authority in writing at least three (3) days prior to the hearing that the hearing be open to the public.
- (8) (a) Any officer who is found guilty by any hearing authority of any charge, may bring an action in the Circuit Court in the county in which the employing agency is located within thirty (30) days of the date written findings are issued to appeal the action of the hearing authority. The appeal shall be initiated by the filing of a complaint in the same manner as any civil action under the Rules of Civil Procedure and shall include a copy of the hearing authority's final order. The Circuit Court review of the case shall be based solely upon the administrative record created before the hearing authority and any new evidence offered by the officer regarding alleged arbitrariness on the part of the hearing authority.
- (b) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The procedure as to appeal to the Court of Appeals shall be the same as in any civil action.

- (9) The provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall not apply in any proposed disciplinary action arising from a citizen complaint made under subsection (3) of this section or arising from any allegation of conduct that would constitute a violation of law enforcement procedures under subsection (4) of this section. This section shall not be interpreted or construed to alter or impair any of the substantive rights provided to a city police officer under KRS 90.310 to 90.410, 95.450, and 95.765 for any proposed disciplinary action or other matters not arising under subsections (3) and (4) of this section, including proposed actions involving alleged violations of general employment policies. To the extent that the provisions of this section are inapplicable to any proposed disciplinary action against a city police officer, the provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall remain in full force and effect.
- (10) As the provisions of this section relate to a minimum system of professional conduct, nothing in this section shall be interpreted or construed to:
- (a) Limit or to in any way affect any rights previously afforded to officers of the Commonwealth by statute, collective bargaining or working agreement, or legally adopted ordinance;
 - (b) Preclude an employing agency from investigating and charging an officer both criminally and administratively;
 - (c) Prevent the suspension with or without pay or reassignment of an officer during an investigation and pending final disposition charges;
 - (d) Permit an employing agency to categorize and treat any complaint that originates from a citizen as an internal matter in order to avoid application of all of the provisions of this section to the final disposition of a citizen's complaint;
 - (e) Apply any disciplinary action required by this section to actions taken by an employing agency that is not related to misconduct by a law enforcement officer, such as personnel decisions made by the employing agency due to a lack of resources or personnel decisions related to a chief's management of a *police* department; or
 - (f) Prevent an employing agency from electing to apply the provisions of this section, or parts thereof, in circumstances that would not be covered under this section.
- (11) This section shall not apply to officers employed by a consolidated local government that receives funds under KRS 15.410 to 15.510, who shall instead be governed by the provisions of KRS 67C.326.

➔Section 12. KRS 95A.250 is amended to read as follows:

- (1) (a) ~~{Beginning July 1, 1982, }An eligible local government shall be entitled to receive ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750) for each qualified professional firefighter it employs, and beginning on July 1, 1999,~~ an annual supplement of three thousand dollars (\$3,000) and, beginning July 1, 2018, an annual supplement of four thousand dollars (\$4,000) for each qualified professional firefighter it employs, plus an amount equal to the required employer's contribution on the supplement to the defined benefit pension plan, or to a plan qualified under Section 401(a) or Section 457 of the Internal Revenue Code of 1954 as amended.~~
- (b) The employer's contribution to any of these plans on the supplement shall not exceed the required employer's contribution to the County Employees Retirement System pursuant to KRS Chapter 78 for the hazardous duty category. The pension contribution on the supplement shall be paid whether the professional firefighter entered the system under hazardous duty coverage or nonhazardous coverage.
 - (c) The local unit of government shall pay the amount received for retirement coverage to the appropriate retirement system to cover the required employer contribution on the supplement.
 - (d) Should the foundation program funds be insufficient to pay employer contributions to the system, then the total amount available for pension payments shall be prorated to each eligible government so that each receives the same percentage of required pension costs attributable to the supplement.
 - (e) 1. *In addition to the payments received under paragraphs (a) and (b) of this subsection, but only if sufficient funds are available to fully reimburse each eligible local government for the employer contributions to the pension system, each local government shall receive an administrative expense reimbursement in an amount equal to seven and sixty-five one-hundredths percent (7.65%) of the total annual supplement received greater than three*

thousand one hundred dollars (\$3,100) for each qualified professional firefighter it employs, subject to the cap established by subparagraph 3. of this paragraph.

2. *The local government may use the moneys received under this paragraph in any manner it deems necessary to partially cover the costs of administering the payments received under paragraph (a) of this subsection.*
 3. *The total amount distributed under this paragraph shall not exceed the total sum of two hundred fifty thousand dollars (\$250,000) for each fiscal year. If there are insufficient funds to provide for full reimbursement as provided in subparagraph 1. of this paragraph, then the amount shall be distributed pro rata to each eligible local government so that each receives the same percentage attributable to its total receipt of the cash salary supplement.*
- (2) (a) Each qualified professional firefighter, whose local government receives a supplement pursuant to subsection (1)(a) of this section *due to employment of the firefighter*, shall receive distribution of the supplement from that local government in twelve (12) equal monthly installments with his or her pay for the last pay period of each month. The monthly distribution shall be calculated by dividing the supplement amount ~~established~~~~set forth~~ in subsection (1)(a) of this section by twelve (12).
- (b) The supplement disbursed to a qualified professional firefighter pursuant to this section shall not be considered "wages" as defined by KRS 337.010(1)(c)1. and shall not be included in the hourly wage rate for calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The supplement shall be included in the hourly wage rates for calculation of overtime for unscheduled overtime pursuant to KRS 337.285.
- (c) To determine the addition to the hourly wage rate for calculation of overtime on unscheduled overtime, the annual supplement shall be divided by two thousand eighty (2,080). The overtime rate for unscheduled overtime shall be calculated by adding the quotient, which is the amount of the annual supplement divided by two thousand eighty (2,080), to the hourly wage rate and multiplying the total by one and one-half (1.5). The enhanced overtime rate shall be paid only for unscheduled overtime. Scheduled overtime shall be paid at one and one-half (1.5) times the regular hourly wage rate, excluding the supplement.
- (3) ~~Beginning July 1, 2006:~~
- (a) The Kentucky Community and Technical College System shall be entitled to receive annually a supplement equal to the amount determined in subsection (1) of this section for each Kentucky fire and rescue training coordinator employed by the Kentucky Community and Technical College System who meets the qualifications for individual firefighters required in KRS 95A.230, plus an amount equal to the required employer's contribution on the supplement to the defined benefit pension plan; and
- (b) The Department of Military Affairs shall be entitled to receive annually a supplement equal to the amount determined in subsection (1) of this section for each civilian firefighter employed by the Department of Military Affairs who meets the qualifications for individual firefighters required in KRS 95A.230, plus an amount equal to the required employer's contribution on the supplement to the defined benefit pension plan.

Each fire and rescue training coordinator employed by the Kentucky Community and Technical College System and each civilian firefighter employed by the Department of Military Affairs, whose employer receives a supplement pursuant to this subsection, shall receive distribution from that employer of the supplement which his or her qualifications brought to the employer. The supplement distributed shall be in addition to his or her regular salary.

➔Section 13. KRS 95A.262 is amended to read as follows:

- (1) The Commission on Fire Protection Personnel Standards and Education shall, in cooperation with the Cabinet for Health and Family Services, develop and implement a continuing program to inoculate every paid and volunteer firefighter in Kentucky against hepatitis B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190. Any fire department which has inoculated its personnel during the period of July 1, 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred up to the amount allowed by the Cabinet for *Health and Family Services*~~Human Resources~~ for hepatitis B inoculations.
- (2) (a) Except as provided in subsection (3) of this section, the Commission on Fire Protection Personnel Standards and Education shall allot on an annual basis a share of the funds accruing to and appropriated

for volunteer fire department aid to volunteer fire departments in cities of all classes, fire protection districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.083, and volunteer fire departments created as nonprofit corporations pursuant to KRS Chapter 273.

- (b) The commission shall allot ~~eight thousand dollars (\$8,000) annually to each qualifying department, and beginning on July 1, 2001, the commission shall allot~~ eight thousand two hundred fifty dollars (\$8,250), **and beginning on July 1, 2018, the commission shall allot eleven thousand dollars (\$11,000)** annually to each qualifying department.
- (c) Any qualifying department which fails to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380 shall forfeit annually five hundred dollars (\$500) of its allotment.
- (d) If two (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be in accordance with the provisions of KRS 95A.500 to 95A.560.
- (e) Administrative regulations for determining qualifications shall be based on the number of both paid firefighters and volunteer firemen within a volunteer fire department, the amount of equipment, housing facilities available, and ~~any such~~ other matters or standards ~~that as~~ will best effect the purposes of the volunteer fire department aid law. A qualifying department shall:
 1. Include at least twelve (12) firefighters;~~;~~
 2. **Have** a chief;~~;~~~~and~~
 3. **Have** at least one (1) operational fire apparatus or one (1) on order; ~~and~~~~;~~
 4. **Have at least** fifty percent (50%) of ~~its~~~~the~~ firefighters ~~who shall~~ have completed at least one-half (1/2) of one hundred fifty (150) training hours, or as otherwise established by the commission under KRS 95A.240(6), toward certification within the first six (6) months of the first year of the department's application for certification, and there shall be a plan to complete the one hundred fifty (150) training hours, or as otherwise established by the commission by KRS 95A.240(6), within the second year.

These personnel, equipment, and training requirements shall not be made more stringent by the promulgation of administrative regulations.

- (f) No allotment shall exceed the total value of the funds, equipment, lands, and buildings made available to the local fire units from any source whatever for the year in which the allotment is made.
 - (g) A portion of the funds provided for above may be used to purchase group or blanket health insurance and shall be used to purchase workers' compensation insurance, and the remaining funds shall be distributed as **provided**~~set forth~~ in this section.
- (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund that shall be allocated each fiscal year of the biennium to the firefighters training center fund, which is hereby created and established, for the purposes of constructing new or upgrading existing training centers for firefighters. If any moneys in the training center fund remain uncommitted, unobligated, or unexpended at the close of the first fiscal year of the biennium, then such moneys shall be carried forward to the second fiscal year of the biennium, and shall be reallocated to and for the use of the training center fund, in addition to the second fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding any project pursuant to this subsection, a proposed project shall be approved by the Commission on Fire Protection Personnel Standards and Education as provided in subsection (4) of this section and shall comply with state laws applicable to capital construction projects.
 - (4) Applications for funding low-interest loans and firefighters' training centers shall be submitted to the Commission on Fire Protection Personnel Standards and Education for their recommendation, approval, disapproval, or modification. The commission shall review applications periodically, and shall, subject to funds available, recommend which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.
 - (5) Any department or entity eligible for and receiving funding pursuant to this section shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the Commission on Fire Protection Personnel Standards and Education.

- (6) Upon the written request of any department, the Commission on Fire Protection Personnel Standards and Education shall make available a certified training program in a county of which such department is located.
- (7) The amount of reimbursement for any given year for costs incurred by the Kentucky Community and Technical College System for administering these funds, including but not limited to the expenses and costs of commission operations, shall be determined by the commission and shall not exceed five percent (5%) of the total amount of moneys accruing to the Firefighters Foundation Program fund which are allotted for the purposes specified in this section during any fiscal year.
- (8) The commission shall withhold from the general distribution of funds under subsection (2) of this section an amount which it deems sufficient to reimburse volunteer fire departments for equipment lost or damaged beyond repair due to hazardous material incidents.
- (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only under the following terms and conditions:
 - (a) A volunteer fire department has lost or damaged beyond repair items of personal protective clothing or equipment due to that equipment having been lost or damaged as a result of an incident in which a hazardous material (as defined in any state or federal statute or regulation) was the causative agent of the loss;
 - (b) The volunteer fire department has made application in writing to the commission for reimbursement in a manner approved by the commission and the loss and the circumstances thereof have been verified by the commission;
 - (c) The loss of or damage to the equipment has not been reimbursed by the person responsible for the hazardous materials incident or by any other person;
 - (d) The commission has determined that the volunteer fire department does not have the fiscal resources to replace the equipment;
 - (e) The commission has determined that the equipment sought to be replaced is immediately necessary to protect the lives of the volunteer firefighters of the fire department;
 - (f) The fire department has agreed in writing to subrogate all claims for and rights to reimbursement for the lost or damaged equipment to the Commonwealth to the extent that the Commonwealth provides reimbursement to the department; and
 - (g) The department has shown to the satisfaction of the commission that it has made reasonable attempts to secure reimbursement for its losses from the person responsible for the hazardous materials incident and has been unsuccessful in the effort.
- (10) If a volunteer fire department has met all of the requirements of subsection (9) of this section, the commission may authorize a reimbursement of equipment losses not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss, whichever is less.
- (11) Moneys which have been withheld during any fiscal year which remain unexpended at the end of the fiscal year shall be distributed in the normal manner required by subsection (2) of this section during the following fiscal year.
- (12) No volunteer fire department may receive funding for equipment losses more than once during any fiscal year.
- (13) The commission shall make reasonable efforts to secure reimbursement from the responsible party for any moneys awarded to a fire department pursuant to this section.
- (14) There shall be allotted each year of the 1992-93 biennium one million dollars (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund for the purpose of creating a revolving low-interest loan fund, which shall thereafter be self-sufficient and derive its operating revenues from principal and interest payments. The commission, in accordance with the procedures in subsection (4) of this section, may make low-interest loans, and the interest thereon shall not exceed three percent (3%) annually or the amount needed to sustain operating expenses of the loan fund, whichever is less, to volunteer fire departments for the purposes of major equipment purchases and facility construction. Loans shall be made to departments which achieve the training standards necessary to qualify for volunteer fire department aid allotted pursuant to subsection (2) of this section, and which do not have other sources of funds at rates which are favorable given their financial resources. The proceeds of loan payments shall be returned to the loan fund

for the purpose of providing future loans. If a department does not make scheduled loan payments, the commission may withhold any grants payable to the department pursuant to subsection (2) of this section until the department is current on its payments. Money in the low-interest loan fund shall be used only for the purposes specified in this subsection. Any funds remaining in the fund at the end of a fiscal year shall be carried forward to the next fiscal year for the purposes of the fund.

- (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used by the commission to conduct training-related activities.
- (16) If funding is available from the fund established in KRS 95A.220, the Commission on Fire Protection Personnel Standards and Education may implement the following:
- (a) A program to prepare emergency service personnel for handling potential man-made and non-man-made threats. The commission shall work in conjunction with the state fire marshal and other appropriate agencies and associations to identify and make maps of gas transmission and hazardous liquids pipelines in the state;
 - (b) A program to provide and maintain a mobile test facility in each training region established by the Commission on Fire Protection Personnel Standards and Education with equipment to administer Comprehensive Physical Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the physical requirements necessary to be an effective and safe firefighter;
 - (c) A program to provide defensive driving training tactics to firefighters. The commission shall purchase, instruct in the use of, and maintain mobile equipment in each of the training regions, and fund expenses related to equipment replacement;
 - (d) A program to annually evaluate equipment adequacy and to provide for annual physical examinations for instructors, adequate protective clothing and personal equipment to meet NFPA guidelines, and to establish procedures for replacing this equipment as needed;
 - (e) A program to establish a rotational expansion and replacement program for mobile fleet equipment currently used for training and recertification of fire departments;
 - (f) A program to expand and update current EMS, first responder, EMT, and paramedic training and certification instruction; and
 - (g) A program to purchase thermal vision devices to comply with the provisions of KRS 95A.400 to 95A.440.

➔Section 14. KRS 150.150 is amended to read as follows:

- (1) (a) Except as provided in this chapter, all moneys derived from the sale of licenses or from any other source connected with the administration of this chapter shall be promptly paid over to the State Treasurer, who shall deposit such moneys in a special fund, known as the game and fish fund, except that the moneys shall be entered under separate restricted fund accounts, not commingled, and maintained according to generally accepted accounting principles.
- (b) Moneys derived from the sale of licenses issued under this chapter shall be under separate restricted fund account from any other proceeds derived from this chapter or from proceeds obtained under any other chapter.
- (c) The game and fish fund:
- 1. Shall be used to:
 - a. Carry out the purposes of this chapter and any law or regulation for the protection of wildlife; *and*
 - b. *Pay the annual supplement provided in subsection (1), paragraph (e) of Section 6 of this Act;* and
 - 2. *Shall not be used for any[no] other purpose.*
- (2) All funds received under KRS 150.110 and 150.520 shall be used by the department for the purpose of enforcing those sections and for the protection and propagation of mussel beds. Any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the department.

- (3) In addition to the funds derived pursuant to KRS 186.050(15), the department shall, beginning August 1, 2006, and each fiscal year thereafter, set aside not less than twenty-five thousand dollars (\$25,000) from the game and fish fund for the purpose of promoting hunger relief through specific wildlife management and conservation efforts. The department shall provide for a separate accounting of these funds and shall, by October 1, 2007, and annually thereafter, report on the expenditures made pursuant to this subsection to the Governor and the Legislative Research Commission.
- (4) The department shall prescribe a method to allow any applicant for a license required under KRS 150.175 to make, at the time of application, a voluntary contribution in the amount of two dollars (\$2) for the Becoming an Outdoors-Woman Program or other hunter and angler recruitment and retention program. The voluntary contribution shall be deposited into a separate, restricted account within the game and fish fund. The Becoming an Outdoors-Woman Program shall encourage women in developing skills for outdoor recreational activities including but not limited to hunting and angling. The voluntary contribution shall be automatically added to the cost of the license at the time of sale.

➔Section 15. KRS 439.3401 is amended to read as follows:

- (1) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to the commission of:
- (a) A capital offense;
 - (b) A Class A felony;
 - (c) A Class B felony involving the death of the victim or serious physical injury to a victim;
 - (d) An offense described in KRS 507.040 or 507.050 where the offense involves the killing of a peace officer or firefighter while the officer or firefighter was acting in the line of duty;
 - (e) ***A Class B felony involving criminal attempt to commit murder under KRS 506.010 if the victim of the offense is a clearly identifiable peace officer or firefighter acting in the line of duty, regardless of whether an injury results;***
 - (f) The commission or attempted commission of a felony sexual offense described in KRS Chapter 510;
 - (g)~~(f)~~ Use of a minor in a sexual performance as described in KRS 531.310;
 - (h)~~(g)~~ Promoting a sexual performance by a minor as described in KRS 531.320;
 - (i)~~(h)~~ Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a);
 - (j)~~(i)~~ Human trafficking under KRS 529.100 involving commercial sexual activity where the victim is a minor;
 - (k)~~(j)~~ Criminal abuse in the first degree as described in KRS 508.100;
 - (l)~~(k)~~ Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;
 - (m)~~(l)~~ Burglary in the first degree accompanied by commission or attempted commission of kidnapping as prohibited by KRS 509.040; or
 - (n)~~(m)~~ Robbery in the first degree.

The court shall designate in its judgment if the victim suffered death or serious physical injury.

- (2) A violent offender who has been convicted of a capital offense and who has received a life sentence (and has not been sentenced to twenty-five (25) years without parole or imprisonment for life without benefit of probation or parole), or a Class A felony and receives a life sentence, or to death and his or her sentence is commuted to a life sentence shall not be released on probation or parole until he or she has served at least twenty (20) years in the penitentiary. Violent offenders may have a greater minimum parole eligibility date than other offenders who receive longer sentences, including a sentence of life imprisonment.
- (3) (a) A violent offender who has been convicted of a capital offense or Class A felony with a sentence of a term of years or Class B felony shall not be released on probation or parole until he has served at least eighty-five percent (85%) of the sentence imposed.
- (b) A violent offender who has been convicted of a violation of KRS 507.040 where the victim of the offense was clearly identifiable as a peace officer or a firefighter and the victim was acting in the line of

duty shall not be released on probation or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.

- (c) A violent offender who has been convicted of a violation of KRS 507.040 or 507.050 where the victim of the offense was a peace officer or a firefighter and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed.
 - (d) Any offender who has been convicted of a homicide or fetal homicide offense under KRS Chapter 507 or 507A in which the victim of the offense died as the result of an overdose of a Schedule I controlled substance and who is not otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed.
- (4) A violent offender shall not be awarded any credit on his sentence authorized by KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his or her sentence if the credit reduces the term of imprisonment to less than eighty-five percent (85%) of the sentence.
 - (5) This section shall not apply to a person who has been determined by a court to have been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard to the offenses involving the death of the victim or serious physical injury to the victim. The provisions of this subsection shall not extend to rape in the first degree or sodomy in the first degree by the defendant.
 - (6) This section shall apply only to those persons who commit offenses after July 15, 1998.
 - (7) For offenses committed prior to July 15, 1998, the version of this statute in effect immediately prior to that date shall continue to apply.
 - (8) The provisions of subsection (1) of this section extending the definition of "violent offender" to persons convicted of or pleading guilty to robbery in the first degree shall apply only to persons whose crime was committed after July 15, 2002.

➔Section 16. Whereas the funding for payments to police officers and firefighters coincides with the beginning of the fiscal year, an emergency is declared to exist, and this Act takes effect July 1, 2018.

Signed by Governor April 2, 2018.