

CHAPTER 104**(HB 68)**

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

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, unless the context requires otherwise:*
 - (a) *"Commissioner" means the commissioner of the department;*
 - (b) *"Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;*
 - (c) *"Fund" means the Law Enforcement Professional Development and Wellness Program fund established in subsection (8) of this section; and*
 - (d) *"Program" means the Law Enforcement Professional Development and Wellness Program established in this section.*
- (2) *The department shall develop a Law Enforcement Professional Development and Wellness Program.*
- (3) *The program shall use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes.*
- (4) *The program shall be offered to Kentucky law enforcement officers at least two (2) times each calendar year.*
- (5) *On a limited basis, the program may be offered to law enforcement officers from states other than Kentucky upon application to and approval by the commissioner. However, no Kentucky law enforcement officers may be denied admission to the program if law enforcement officers from another state are admitted to the program.*
- (6) *The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:*
 - (a) *The required qualifications and duties of any person used by the department to implement or administer the program;*
 - (b) *The curriculum, programming, seminar type, and treatment modalities used in the program;*
 - (c) *The extent to which a participating officer's relatives or friends may participate in seminars;*
 - (d) *The standards by which law enforcement officers from other states may be accepted into the program by the commissioner; and*
 - (e) *A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal law enforcement agencies and officers in administering the program.*
- (7)
 - (a) *Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of an officer's participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating officer is the holder of the privilege.*
 - (b) *The department may use anonymous data for research, statistical analysis, and educational purposes.*
 - (c) *Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.*

- (8) (a) *There is hereby established in the State Treasury a restricted fund to be known as the Law Enforcement Professional Development and Wellness Program fund.*
- (b) *The fund shall consist of moneys received from the Kentucky Law Enforcement Foundation Program fund established in KRS 15.430, grants, gifts, state appropriations, and federal funds.*
- (c) *The fund shall be administered by the department.*
- (d) *Amounts deposited in the fund shall be used only for administration of the program.*
- (e) *Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- (f) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (g) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*

➔Section 2. Whereas the overall health and well-being of law enforcement officers in the Commonwealth of Kentucky are critically important for public safety, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 2, 2018.