

CHAPTER 69**(SB 101)**

AN ACT relating to peace officer contracts.

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

➔Section 1. KRS 16.050 is amended to read as follows:

- (1) The commissioner shall appoint or promote to the ranks and grades and positions of the department such officers as are considered by him or her to be necessary for the efficient administration of the department. The Kentucky State Police shall conduct a biennial salary survey, and the findings of the salary survey shall be included in the department's budget request submitted to the Kentucky General Assembly.
- (2) All initial appointments of officers to the department shall be made for merit and fitness after a competitive examination.
- (3) There is created a Department of Kentucky State Police Personnel Board consisting of the commissioner and four (4) other members to be appointed by the Governor, two (2) to be appointed from each of the two (2) major political parties.
- (4) The initial appointment of members of the board shall be for terms of one (1), two (2), three (3), and four (4) years. Thereafter each appointment shall be for a term of four (4) years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.
- (5) Members of the board may be removed by the Governor only for cause, after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor.
- (6) The board shall elect one (1) of its members chairman. It shall meet at such time and place as shall be specified by call of the commissioner. Three (3) members shall constitute a quorum for the transaction of business. Members of the board other than the commissioner shall receive compensation of fifty dollars (\$50) and reimbursement of travel expenses for each meeting of the board which they attend.
- (7) The board shall promulgate administrative regulations to carry out the purposes herein, which shall include provisions for:
 - (a) Open competitive examination as to fitness of applicants for employment as officers; and
 - (b) Establishment of eligible lists as a result of such competitive examinations, from which lists vacancies shall be filled.
- (8) The board shall hear appeals from applicants for employment for which examinations are being given or have been conducted and from eligibles on examination registers subject to the procedural rules which the board may adopt pursuant to the provisions of this section.
- (9) (a) ~~Prior to appointment as~~ A Cadet Trooper ~~or~~ **appointed on or after the effective date of this Act,** ~~all applicants~~ shall agree in writing that if, within **five (5)** ~~three (3)~~ years of completing the basic training course offered by the department, he or she accepts employment as a peace officer with another law enforcement agency, or accepts employment with another type of agency or entity in a position that requires law enforcement training to meet the qualifications for the position, he or she will repay to the department the cost incurred by the department in providing training to the officer to the extent repayment has not been made by the agency with which the officer accepts employment under paragraph (b) or (c) of this subsection.
 - (b) If the officer accepts employment as a peace officer with another state agency or a state university or educational institution within Kentucky within three (3) years of completing the basic training course offered by the department, the agency, university, or educational institution shall reimburse the department for costs incurred in providing training to the officer.
 - (c) If the officer accepts employment with a city, county, or other local law enforcement agency within Kentucky within **five (5)** ~~three (3)~~ years of completing the basic training course offered by the department, KRS 70.290 shall apply as well, ~~except that the amount of the reimbursement shall not be prorated as provided in KRS 70.290.~~

➔Section 2. KRS 70.290 is amended to read as follows:

- (1) (a) City and county law enforcement agencies, including sheriff's offices, may, as a condition of employment, require a newly appointed deputy sheriff or peace officer who will participate in the Kentucky Law Enforcement Foundation Fund Program, authorized by KRS 15.410 to 15.510, to enter into an employment contract for a period of no longer than **five (5)**~~three (3)~~ years from the date of graduation from the Department of Criminal Justice Training, or other training approved by the Kentucky Law Enforcement Council.
- (b) If a deputy sheriff or peace officer who has entered into a contract authorized under this subsection accepts employment as a peace officer with another law enforcement agency, ***including a local school board that has established a police department under KRS 158.471***, that law enforcement agency shall reimburse the law enforcement agency that initially hired the deputy sheriff or peace officer for the actual costs incurred and expended by the law enforcement agency that initially hired the deputy sheriff or peace officer which are associated with the initial hiring of that officer, including but not limited to the application process, training costs, equipment costs, salary and fringe benefits. The law enforcement agency that initially hired the deputy sheriff or peace officer shall be reimbursed for the costs from the time of the deputy sheriff or peace officer's initial application until graduation from the Department of Criminal Justice Training.
- (c)
 1. For contracts entered into before June 29, 2017, the amount of reimbursement authorized by this subsection shall be prorated based upon the percentage of time that the deputy sheriff or peace officer completed of his or her employment contract. The amount of reimbursement authorized by this subsection after the pro rata amount is calculated shall be reduced by the cost of the training provided by the Department of Criminal Justice Training for the subject officer.
 2. For contracts entered into on or after June 29, 2017, the amount of reimbursement authorized by this subsection shall not be prorated, and shall be for the full amount as calculated in paragraph (b) of this subsection.
- (2) If a peace officer, ***including a university police officer***, who has been employed by a state law enforcement agency for **five (5)**~~three (3)~~ years or less accepts employment as a peace officer with a city or local law enforcement agency, ***including a local school board that has established a police department under KRS 158.471***, that city or local law enforcement agency shall reimburse the state law enforcement agency that initially hired the peace officer for the costs expended with the initial hiring of that officer, including but not limited to the application process, training costs, equipment costs, salary and fringe benefits. The state law enforcement agency that initially hired the peace officer shall be reimbursed for the costs incurred and expended from the time of the peace officer's initial application until graduation from a Kentucky Law Enforcement Council approved training academy. ~~The amount of reimbursement authorized by this subsection shall be prorated based upon the percentage of time that the peace officer has been employed.~~

➔Section 3. KRS 150.090 is amended to read as follows:

- (1) The commissioner shall appoint, promote, or take other employment actions to the ranks, grades, and positions of the department conservation officers who are considered by the commissioner to be necessary for the efficient administration of the department.
- (2) Conservation officers appointed by the commissioner shall have full powers as peace officers for the enforcement of all of the laws of the Commonwealth, including the administrative regulations promulgated pursuant to KRS Chapters 150 and 235 and to serve process.
- (3) Each conservation officer is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables, and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables, and police officers in any suit brought against them in consequence of acts done in the course of their employment and within the scope of their duties. Any warrant of arrest may be executed by any officer of the department.
- (4) Conservation officers charged with the enforcement of this chapter and the administrative regulations issued thereunder shall have the right to go upon the land of any person or persons whether private or public for the purpose of the enforcement of laws or orders of the department relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest for trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by

them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

- (5) Conservation officers and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or tag, bag or creel of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms and any other device that may be used in taking wildlife and is in the possession of any person so engaged.
- (6) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter. This subsection shall not apply to a criminal homicide or an assault upon such officer. An assault upon such officer shall be deemed an offense under KRS Chapter 507 or 508, as appropriate.
- (7) ***The commissioner may, as a condition of employment, require a newly appointed department conservation officer to enter into an employment contract for a period of no longer than five (5) years from the date of appointment. If a department conservation officer who entered into a contract authorized under this subsection accepts employment as a peace officer with another law enforcement agency, that law enforcement agency shall reimburse the department for the actual costs incurred and expended by the department that are associated with the initial hiring of that department conservation officer, including but not limited to the application process, training costs, equipment costs, salary, and fringe benefits. The department shall be reimbursed for the costs from the time of department conservation officer initial application until appointment.***

➔Section 4. KRS 158.477 is amended to read as follows:

- (1) The local board of education may provide for the appointment or promotion to the ranks and grades and positions of the department officers and civilians as are considered by the board to be necessary for the efficient administration of the department. The officers and civilians shall receive compensation as shall be fixed and paid by the board.
- (2) (a) ***The local board of education may, as a condition of employment, require a newly appointed department officer to enter into an employment contract for a period of no longer than five (5) years from the date of appointment.***
- (b) ***If a department officer who entered into a contract authorized under this subsection accepts employment as a peace officer with another law enforcement agency, that law enforcement agency shall reimburse the local board of education that initially hired the department officer for the actual costs incurred and expended by the local board of education that are associated with the initial hiring of that department officer, including but not limited to the application process, training costs, equipment costs, salary, and fringe benefits. The local board of education that initially hired the department officer shall be reimbursed for the costs from the time of the department officer's initial application until appointment.***

➔Section 5. KRS 183.881 is amended to read as follows:

- (1) Safety and security officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing airport board. Without limiting the generality of the foregoing, such safety and security officers are hereby specifically authorized and empowered, and it shall be their duty:
 - (a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the airport facility of their respective airport board, and to protect all persons and property located thereon from injury, harm and damage;
 - (b) To enforce, and to assist officials of their respective airport boards in the enforcement of the lawful rules and regulations of said airport board, and to assist and cooperate with the law enforcement agencies and officers.

Provided, however, that such safety and security officers shall exercise the powers herein granted upon any real property owned or occupied by their respective airport boards including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the airport board owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

- (2) Safety and security officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:
 - (a) When in hot pursuit of an actual or suspected violator of the law;
 - (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;
 - (c) When requested to act by the chief of police of the city or county in which the airport board's property is located;
 - (d) When requested to act by the sheriff of the county in which the airport board's property is located;
 - (e) When requested to act by the commissioner of the Department of Kentucky State Police;
 - (f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d), or (e) of this subsection;
 - (g) When requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties; or
 - (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.
- (3) Safety and security officers appointed pursuant to KRS 183.110 and 183.880 to 183.886 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided such investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the airport board. Where desirable and at the discretion of the airport board's police officials, the airport board's safety and security department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.
- (4) Safety and security departments created and operated by the airport boards shall, for all purposes, be deemed public police departments and the sworn safety and security officers thereof are, for all purposes, deemed public police officers.
- (5) Nothing in KRS 183.110 and 183.880 to 183.886 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable granted police powers, or other peace officer either on the property of an airport board or otherwise. Nor shall anything in KRS 183.110 and 183.880 to 183.886 be construed as a diminution or modification of the authority or responsibility of any constable.
- (6)
 - (a) ***Public airport boards may, as a condition of employment, require a newly appointed safety and security officer who will participate in the Kentucky Law Enforcement Foundation Program Fund, authorized by KRS 15.410 to 15.510, to enter into an employment contract for a period of no longer than five (5) years from the date of graduation from the Department of Criminal Justice Training or other training approved by the Kentucky Law Enforcement Council.***
 - (b) ***If a safety and security officer who entered into a contract authorized under this subsection accepts employment as a peace officer with another law enforcement agency, that law enforcement agency, including a local school board that has established a police department under KRS 158.471, shall reimburse the law enforcement agency that initially hired the safety and security officer for the actual costs incurred and expended by the law enforcement agency that initially hired the safety and security officer that are associated with the initial hiring of that officer, including but not limited to the application process, training costs, equipment costs, salary, and fringe benefits. The law enforcement agency that initially hired the safety and security officer shall be reimbursed for the costs from the time of the safety and security officer's initial application until graduation from the Department of Criminal Justice Training.***

➔Section 6. A Cadet Trooper appointed prior to the effective date of this Act who agreed in writing that, if within three years of completing the basic training course offered by the department, he or she accepts employment as a peace officer with another law enforcement agency or accepts employment with another type of agency or entity

in a position that requires law enforcement training to meet qualifications for the position, is responsible for reimbursing the department the cost incurred by the department in providing training to the officer to the extent repayment has not been made by the agency with which the officer accepts employment under subsection (9) of Section 1 of this Act.

Signed by Governor March 23, 2023.