

CHAPTER 170**(HB 373)**

AN ACT relating to peace officer certification.

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

➔Section 1. KRS 15.310 is amended to read as follows:

As used in KRS 15.310 to 15.510, 15.990, and 15.992, unless the context otherwise requires:

- (1) "Basic training course" means the peace officer or court security officer basic training course provided by the Department of Criminal Justice Training or a course approved and recognized by the Kentucky Law Enforcement Council;
- (2) "Certified court security officer" means a court security officer who is certified under KRS 15.380 to 15.404;
- (3) "Certified peace officer" means a peace officer who is certified under KRS 15.380 to 15.404;
- (4) "Certification" means the act by the council of issuing certification to a peace officer or court security officer who successfully completes the training requirements pursuant to KRS 15.404 and the requirements set forth within this chapter;
- (5) "Council" means the Kentucky Law Enforcement Council established by KRS 15.310 to 15.510, 15.990, and 15.992;
- (6) "Court security officer" means a person required to be certified under KRS 15.380(1)(c) and who is charged with the duties set out in KRS 70.280;
- (7) "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
- (8) "Fire investigator" means a professional firefighter, as used in KRS 95A.210, who has been appointed to *investigate offenses under KRS Chapter 513* ~~be a fire investigator~~ and to exercise peace officer powers under KRS 95A.100, or a deputy fire marshal who has been appointed to be a fire investigator and to exercise peace officer powers under KRS 227.220;
- (9) "Law enforcement officer" means a member of a lawfully organized police unit or police force of county, city or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as sheriffs, sworn deputy sheriffs, campus police officers, law enforcement support personnel, public airport authority security officers, *and* other public and federal peace officers responsible for law enforcement, ~~and special local peace officers licensed pursuant to KRS 61.360~~;
- (10) "Peace officer" means a person defined in KRS 446.010, or a fire investigator appointed to exercise peace officer powers under KRS 95A.100 or 227.220;
- (11) "Secretary" means the secretary of the Justice and Public Safety Cabinet; and
- (12) "Validated job task analysis" means the minimum entry level qualifications and training requirements for peace officers in the Commonwealth 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 2. KRS 15.380 is amended to read as follows:

- (1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified *by the council if all minimum standards set forth in this section to KRS 15.404 have been met*:
 - (a) Department of Kentucky State Police officers, but for the commissioner of the Department of Kentucky State Police;
 - (b) City, county, and urban-county police officers;
 - (c) ~~{Court security officers and }~~Deputy sheriffs, except those identified in KRS 70.045 and 70.263(3);
 - (d) State or public university police officers appointed pursuant to KRS 164.950;

- (e) School resource officers as defined in KRS 158.441 and employed or appointed under KRS 158.4414;
 - (f) Airport safety and security officers appointed under KRS 183.880;
 - (g) Department of Alcoholic Beverage Control investigators appointed under KRS 241.090;
 - (h) Division of Insurance Fraud Investigation investigators appointed under KRS 304.47-040; *and*
 - (i) Fire investigators appointed or employed under KRS 95A.100 or 227.220; ~~and~~
 - ~~(j) County detectives appointed in accordance with KRS 69.360 after July 1, 2019.~~
- (2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be incorporated by the Personnel Cabinet for job specifications.
 - (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 for all peace officers possessing arrest powers who have specialized law enforcement responsibilities shall be the responsibility of the employing agency.
 - (4) The following officers may, upon request of the employing agency, be certified by the council *if all minimum standards set forth in this section to KRS 15.404 have been met*:
 - (a) Deputy coroners;
 - (b) Deputy constables;
 - (c) Deputy jailers;
 - (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
 - (e) Officers appointed under KRS 61.360;
 - (f) Officers appointed under KRS 61.902, except those who are school resource officers as defined in KRS 158.441 and who shall be certified under subsection (1)(e) of this section;
 - (g) Private security officers;
 - (h) Employees of a correctional services division created pursuant to KRS 67A.028 and employees of a metropolitan correctional services department created pursuant to KRS 67B.010 to 67B.080; and
 - (i) Investigators employed by the Department of Charitable Gaming in accordance with KRS 238.510; and
 - (j) Commonwealth detectives employed under KRS 69.110 and county detectives employed under KRS 69.360.
 - (5) The following officers shall be exempted from the certification requirements but may upon their request be certified by the council:
 - (a) Sheriffs;
 - (b) Coroners;
 - (c) Constables;
 - (d) Jailers;
 - (e) Kentucky Horse Racing Commission security officers employed under KRS 230.240; and
 - (f) Commissioner of the State Police.
 - (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404.
 - (7) Local alcoholic beverage control investigators appointed under KRS Chapter 241 on or after April 1, 2019, shall be certified by the council if all minimum standards set forth in KRS 15.380 to 15.404 have been met. Local alcoholic beverage control investigators appointed under KRS Chapter 241 before April 1, 2019, *may be certified by the council if all minimum standards set forth in this section to KRS 15.404 have been met* ~~shall be exempt from this requirement~~.

➔Section 3. KRS 15.382 is amended to read as follows:

A person certified after December 1, 1998, under KRS 15.380 to 15.404 or qualified under the requirements set forth in KRS 15.440(1)(d)6. shall, at the time of becoming certified, meet the following minimum qualifications:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-one (21) years of age;
- (3)
 - (a) Be a high school graduate, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education; or
 - (b) Possess a High School Equivalency Diploma;
- (4) Possess a valid license to operate a motor vehicle;
- (5) Be fingerprinted for a criminal background check;
- (6) Not have been convicted of any felony; a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; ~~for~~ a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct; **or have had any offense listed under this subsection expunged;**
- (7) Not be prohibited by federal or state law from possessing a firearm;
- (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
- (9) Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;
- (10) Have passed a medical examination as defined by the council by administrative regulation and provided by a licensed physician, physician assistant, or advanced practice registered nurse to determine if he can perform peace officer duties as determined by a validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall pass the medical examination, appropriate to the agency's job task analysis, of the employing agency. All agencies shall certify passing medical examination results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (11) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (12) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a peace officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (13) Have been interviewed by the employing agency;
- (14) Not have had certification as a peace officer permanently revoked in another state;
- (15) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take that agency's psychological examination, appropriate to the agency's job task analysis. All agencies shall certify psychological examination results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (16) Have passed a physical agility test administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take the physical agility examination of the employing agency. All agencies shall certify physical agility examination results to the council, which shall accept them as demonstrating compliance with KRS 15.310 to 15.510; and
- (17) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for

employment as a peace officer to the council, which shall accept them as complying with KRS 15.310 to 15.510.

➔Section 4. KRS 15.386 is amended to read as follows:

The following certification categories shall exist:

- (1) "Precertification status" means that the officer is currently employed or appointed by an agency and meets or exceeds all those minimum qualifications set forth in KRS 15.382, but has not successfully completed a basic training course, except those peace officers covered by KRS 15.400. Upon the council's verification that the minimum qualifications have been met, the officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed. If an officer fails to successfully complete a basic training course within one (1) year of employment, his or her enforcement powers shall automatically terminate, unless that officer is actively enrolled and participating in a basic training course or, after having begun a basic training course, is on an approved extension of time due to injury or extenuating circumstances;
- (2) "Certification status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has met all training requirements. The officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed;
- (3) (a) "Inactive status" means that unless the certification is in revoked status:
 1. The person has been separated on or after December 1, 1998, from the agency by which he or she was employed or appointed and has no peace officer powers; or
 2. The person is on military active duty for a period exceeding three hundred sixty-five (365) days.
 (b) The person may remain on inactive status. A person who is on inactive status and who returns to a peace officer position shall have certification status restored if he or she meets the requirements of KRS 15.400(1) or (2) or has successfully completed a basic training course approved and recognized by the council, has not committed an act for which his or her certified status may be revoked pursuant to KRS 15.391, and successfully completes in-service training as prescribed by the council, as follows:
 1. ***If a person has been on inactive status for less than one (1) year, and the person was not in training deficiency status at the time of separation, he or she shall have no additional training requirements;***
 2. If the person has been on inactive status for a period of ***at least one (1) year but*** less than three (3) years, and the person was not in training deficiency status at the time of separation, he or she shall complete:
 - a. The twenty-four (24) hour legal update Penal Code course;
 - b. The sixteen (16) hour legal update constitutional procedure course; and
 - c. The mandatory training course approved by the Kentucky Law Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; or
 3. ~~2.~~ If the person has been on inactive status for a period of three (3) years or more, or the person was in training deficiency status at the time of separation, he or she shall complete:
 - a. The twenty-four (24) hour legal update Penal Code course;
 - b. The sixteen (16) hour legal update constitutional procedure course;
 - c. The mandatory training course approved by the Kentucky Law Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; and
 - d. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment:
 - i. Basic officer skills;
 - ii. Orientation for new police chiefs; or
 - iii. Mandatory duties of the sheriff.
- (c) A person returning from inactive to active certification after June 26, 2007, under KRS 15.380 to 15.404, shall meet the following minimum qualifications:

1. Be a citizen of the United States;
 2. Possess a valid license to operate a motor vehicle;
 3. Be fingerprinted for a criminal background check;
 4. Not have been convicted of any felony; a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct; **or have had any offense listed under this subparagraph expunged**;
 5. Not be prohibited by federal or state law from possessing a firearm;
 6. Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
 7. Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;
 8. Have been interviewed by the employing agency; and
 9. Not have had certification as a peace officer permanently revoked in another state;
- (4) "Training deficiency status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has failed to meet all in-service training requirements. The officer's enforcement powers shall automatically terminate, and he or she shall not exercise peace officer powers in the Commonwealth until he or she has corrected the in-service training deficiency;
- (5) "Revoked status" means that the officer has no enforcement powers and his or her certification has been revoked by the Kentucky Law Enforcement Council under KRS 15.391; and
- (6) "Denied status" means that a person does not meet the requirements to achieve precertification status or certification status.

The design of a certificate may be changed periodically. When a new certificate is produced, it shall be distributed free of charge to each currently certified peace officer.

➔Section 5. KRS 15.391 is amended to read as follows:

- (1) As used in this section:
- (a) "Agency" means any law enforcement agency, or other unit of government listed in KRS 15.380, that employs a certified peace officer;
 - (b) "Final order" has the same meaning as in KRS 13B.010 **and shall be specific to whether the Kentucky Law Enforcement Council has met the requirements under this section to revoke an individual's peace officer certification**;
 - (c) "General employment policy" means a rule, regulation, policy, or procedure commonly applicable to the general workforce or civilian employees that is not unique to law enforcement activities or the exercise of peace officer authority, regardless of whether the rule, regulation, policy, or procedure exists or appears in a manual or handbook that is solely applicable to a law enforcement department or agency within the unit of government employing the officer;
 - (d) "Investigating agency" means an agency that investigates the use of force, **a criminal act, or an administrative violation** by peace officers, including but not limited to the employing agency;
 - (e) "Professional malfeasance" means engaging in an act in one's professional capacity as a peace officer that violates a federal, state, or local law or regulation, or any act that involves the following:
 1. The unjustified use of excessive or deadly force, as determined by an investigating agency;
 2. Any intentional action by a peace officer that interferes with or alters the fair administration of justice, including but not limited to tampering with evidence, giving of false testimony, or the intentional disclosure of confidential information in a manner that compromises the integrity of an official investigation; or

3. Engaging in a sexual relationship with an individual the peace officer knows or should have known is a victim, witness, defendant, or informant in an ongoing criminal investigation in which the peace officer is directly involved;
- (f) "Professional nonfeasance" means a failure to perform one's professional duty as a peace officer through omission or inaction that violates a federal, state, or local law or regulation, or any failure to act that involves the following:
1. The failure to intervene when it is safe and practical to do so in any circumstance where it is clear and apparent to the peace officer that another peace officer is engaging in the use of unlawful and unjustified excessive or deadly force; or
 2. The intentional failure to disclose exculpatory or impeachment evidence that the peace officer knew or should have known to be materially favorable to an accused for the purpose of altering the fair administration of justice; and
- (g) "Regulation" means:
1. A federal or state administrative regulation adopted by a federal or state executive branch; and
 2. A local rule, regulation, policy, or procedure adopted by ordinance, order, or resolution, or other official action by an agency. However, "regulation" does not mean a general employment policy.
- (2) (a) The certification of a peace officer shall be deemed automatically revoked by the council by operation of the law for one (1) or more of the following:
1. Certification that was the result of an administrative error;
 2. Plea of guilty to, conviction of, or entering of an Alford plea to:
 - a. Any state or federal felony;
 - b. A misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;
 - c. Any criminal offense committed in another state that would constitute a felony if committed in this state; or
 - d. Any criminal offense committed in another state that would, if committed in this state, constitute a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;
 3. Prohibition by federal or state law from possessing a firearm;
 4. Receipt of a dishonorable discharge or bad conduct discharge from any branch of the Armed Forces of the United States; or
 5. Willful falsification of information to obtain or maintain certification.
- (b)
1. A peace officer whose certification is revoked pursuant to paragraph (a) of this subsection may file an appeal at any time with the council. If an appeal is filed, the council shall conduct an administrative hearing pursuant to KRS Chapter 13B to consider the reinstatement of the peace officer's certification if the revocation was made in error or the condition requiring revocation was removed or remedied.
 2. The council may impose any reasonable condition upon the reinstatement of the certification it may deem warranted under the facts of the appeal.
 3. Notwithstanding any other provision of law, the council may subpoena or request a court to subpoena records that are necessary to provide evidence that will permit the council to evaluate *the conditions of separation*~~{whether the cause for revocation has been remedied or removed}~~. Any confidential, *active investigation*, or medical information received by the council under this subparagraph shall retain its confidential character.
 4. The reversal or any other type of invalidation of a conviction by an appellate court shall constitute the removal or remedy of a condition requiring revocation. However, an expungement

of ~~an [a felony]~~ offense shall not be considered a removal or remedy that constitutes grounds for the reinstatement of the peace officer's certification under this paragraph.

5. A final order issued by the council denying reinstatement of certification may be appealed pursuant to the provisions of KRS 13B.140.
- (3) (a) The certification of a peace officer may be revoked by the council for one (1) or more of the following:
1. Termination of the peace officer for failure to meet or maintain training requirements, unless the certification is in inactive status. As used in this subparagraph, "inactive status" has the same meaning as in KRS 15.386;
 2. Termination of the peace officer for professional malfeasance or professional nonfeasance by his or her agency;
 3. Termination of the peace officer following the plea of guilty to, conviction of, or entering of an Alford plea to any misdemeanor offense, in this state or out of it, that involves:
 - a. Dishonesty;
 - b. Fraud;
 - c. Deceit;
 - d. Misrepresentation;
 - e. Physical violence;
 - f. Sexual abuse; or
 - g. Crimes against a minor or a family or household member;
 4. Receipt of general discharge under other than honorable conditions from any branch of the Armed Forces of the United States that results in the termination of the peace officer from his or her agency; or
 5. Resignation or retirement of the peace officer while he or she is under criminal investigation or administrative investigation for professional malfeasance or professional nonfeasance that, in the judgment of the agency that employed the peace officer, would have likely resulted in the termination of that peace officer had the facts leading to the investigation been substantiated prior to his or her resignation or retirement.
- (b) The council shall review reports of events described in paragraph (a) of this subsection to determine whether the event warrants the initiation of proceedings by the council to revoke a peace officer's certification. If the council determines to initiate proceedings to revoke a peace officer's certification under this subsection, the administrative hearing shall be conducted pursuant to KRS Chapter 13B. A final order by the council revoking certification may be appealed pursuant to the provisions of KRS 13B.140.
- (c) *Notwithstanding any other provision of law, the council may subpoena or request a court to subpoena records that are necessary to provide evidence that will permit the council to evaluate the conditions of separation. Any confidential, active investigation, or medical information received by the council under this paragraph shall retain its confidential character.*
- (4) (a) An agency:
1. That has knowledge of a peace officer in its employment who meets any of the revocation conditions outlined in subsection (2) of this section shall report that condition to the council within fifteen (15) days of gaining knowledge;
 2. That terminated a peace officer for any of the revocation conditions outlined in subsection (3)(a)1., 2., 3., or 4. of this section shall report that condition to the council within fifteen (15) days of the termination; and
 3. That would have likely terminated a peace officer for the revocation condition outlined in subsection (3)(a)5. of this section shall report that condition to the council within fifteen (15) days of the peace officer's resignation or retirement. If an agency reports pursuant to this subparagraph, the agency shall notify the peace officer that a report has been made.

- (b) If an agency fails to make a report required by this subsection, the council may suspend the agency from participation in the Kentucky Law Enforcement Foundation Program fund. However, the time that an agency may be suspended by the council under this paragraph shall not exceed five (5) years.
- (5) The council may promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

➔Section 6. KRS 15.3971 is amended to read as follows:

- (1) A person certified as a court security officer after June 26, 2007, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:
 - (a) Be a citizen of the United States;
 - (b) Be at least twenty-one (21) years of age;
 - (c) 1. Be a high school graduate, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education; or
 - 2. Possess a high school diploma or a High School Equivalency Diploma;
 - (d) Possess a valid license to operate a motor vehicle;
 - (e) Be fingerprinted for a criminal background check;
 - (f) Not have been convicted of any felony; *a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct; or have had any offense listed under this paragraph expunged;*
 - (g) Not be prohibited by federal or state law from possessing a firearm;
 - (h) Have received and read the Kentucky Law Enforcement Officers Code of Ethics, as established by the council;
 - (i) Have not received a dishonorable discharge, a bad conduct discharge, or general discharge under other than honorable conditions if he or she served in any branch of the Armed Forces of the United States;
 - (j) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.380 to 15.404;
 - (k) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a court security officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.380 to 15.404;
 - (l) Have been interviewed by the employing agency;
 - (m) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform court security officer duties; and
 - (n) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his or her suitability to perform court security officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a court security officer to the council, which shall accept them as complying with KRS 15.380 to 15.404.
- (2) A court security officer employed on or before June 26, 2007, shall comply with the requirements of subsection (1) of this section within six (6) months of June 26, 2007.

- (3) A peace officer who has previously attended law enforcement basic training and met the certification requirements of KRS 15.380 and 15.382 shall not be required to meet the requirements of this section to be appointed a court security officer, but shall meet the requirements of KRS 15.386(3).

➔Section 7. KRS 15.3973 is amended to read as follows:

The certification of a court security officer may, after a hearing held in conformity with KRS Chapter 13B, be revoked by the council for one (1) or more of the *bases for revocation described under Section 5 of this Act*~~following reasons:~~

- ~~(1) Failure to meet or maintain training requirements;~~
- ~~(2) Willful falsification of information to obtain or maintain certified status;~~
- ~~(3) Certification was the result of an administrative error;~~
- ~~(4) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;~~
- ~~(5) Prohibition by federal or state law from possessing a firearm; or~~
- ~~(6) Receipt of a dishonorable discharge, a bad conduct discharge, or general discharge under other than honorable conditions from any branch of the Armed Forces of the United States.~~

➔Section 8. KRS 15.3977 is amended to read as follows:

The following certification categories shall exist for certified court security officers:

- (1) "Precertification status" means that the ~~certified~~ court security officer is currently employed or appointed by an agency and meets or exceeds all those minimum qualifications set forth in KRS 15.3971, but has not successfully completed the training course provided in KRS 15.3975(1). Upon the council's verification that the minimum qualifications have been met, the officer shall have court security officer powers as authorized under the statute under which he or she was appointed or employed. If an officer fails to successfully complete the training course provided in KRS 15.3975(1) within one (1) year of employment, his or her court security powers shall automatically terminate;
- (2) "Certification status" means that unless the certification is in revoked status or inactive status, the certified court security officer is currently employed or appointed by an agency and has met all training requirements. The officer shall have court security officer powers as authorized under the statute under which he or she was appointed or employed;
- (3) (a) "Inactive status" means that unless the certification is in revoked status:
 - 1. The person has been separated on or after **June 26, 2007**~~December 1, 1998~~, from the agency by which he or she was employed or appointed and has no peace officer or court security officer powers; or
 - 2. The person is on military active duty for a period exceeding three hundred sixty-five (365) days.
- (b) The person may remain on inactive status. A person who is on inactive status and who returns to a court security officer position shall have certification status restored if he or she has successfully completed the training course under KRS 15.3975(1), has not committed an act for which his or her certified status may be revoked pursuant to KRS 15.3973, and successfully completes an in-service training course as prescribed in an administrative regulation promulgated by the Kentucky Law Enforcement Council.
- (c) A person returning from inactive to active certification as a court security officer after June 26, 2007, under KRS 15.380 to 15.404 shall meet the following minimum qualifications:
 - 1. Be a citizen of the United States;
 - 2. Possess a valid license to operate a motor vehicle;
 - 3. Be fingerprinted for a criminal background check;
 - 4. Not have been convicted of any felony; **a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct; or have had any offense listed under this subparagraph expunged;**
 - 5. Not be prohibited by federal or state law from possessing a firearm;

6. Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
 7. Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;
 8. Have been interviewed by the employing agency; and
 9. Not have had certification as a peace officer permanently revoked in another state;
- (4) "Training deficiency status" means that unless the certification is in revoked status or inactive status, the certified court security officer is currently employed or appointed by an agency and has failed to meet all in-service training requirements. The officer's court security powers shall automatically terminate, and he or she shall not exercise court security officer powers in the Commonwealth until he or she has corrected the in-service training deficiency;
- (5) "Revoked status" means that the court security officer has no court security powers and his or her certification has been revoked by the Kentucky Law Enforcement Council for any one (1) of the *bases for revocation described under Section 5 of this Act* ~~following reasons:~~
- ~~(a) Failure to meet or maintain training requirements;~~
 - ~~(b) Willful falsification of information to obtain or maintain certified status;~~
 - ~~(c) Certification was the result of an administrative error;~~
 - ~~(d) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;~~
 - ~~(e) Prohibition by federal or state law from possessing a firearm; or~~
 - ~~(f) Receipt of a dishonorable discharge, a bad conduct discharge, or general discharge under other than honorable conditions from any branch of the Armed Forces of the United States; and~~
- (6) "Denied status" means that a person does not meet the requirements to achieve precertification status or certification status as a court security officer.

The design of a certificate may be changed periodically. When a new certificate is produced, it shall be distributed free of charge to each currently certified court security officer.

➔Section 9. KRS 15.530 is amended to read as follows:

For the purposes of KRS 15.530 to 15.590:

- (1) "CJIS" means the Criminal Justice Information System;
- (2) "CJIS-full access course" means a training program of forty (40) hours approved by the Kentucky Law Enforcement Council;
- (3) "CJIS telecommunicator" means any ~~full-time~~ public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that utilizes the Criminal Justice Information System, and is part of or administered by the state or any political subdivision;
- (4) "Commissioner" means the commissioner of the Department of Criminal Justice Training;
- (5) "Non-CJIS telecommunicator" means any full-time public employee, sworn or civilian, whose primary responsibility is to dispatch law enforcement units by means of radio communications for an agency that does not utilize the Criminal Justice Information System and is part of or administered by the state or any political subdivision;
- (6) "Non-CJIS telecommunicator academy" means a training course of one hundred twenty (120) hours approved by the Kentucky Law Enforcement Council; and
- (7) "Telecommunications academy" means a training course of one hundred sixty (160) hours approved by the Kentucky Law Enforcement Council.

➔Section 10. KRS 15.540 is amended to read as follows:

- (1) An agency *seeking to hire* ~~[hire]~~ a telecommunicator after July 15, 2006, shall certify to the **Kentucky Law Enforcement Council that before being employed as a** ~~[Department of Criminal Justice Training before admission to the telecommunicator training program that the]~~ telecommunicator, **the applicant:**
- (a) Is a citizen of the United States and has reached the age of majority;
 - (b)
 1. Is a high school graduate, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education; or
 2. Possesses a High School Equivalency Diploma;
 - (c) Has not been convicted of a felony or other crimes involving moral turpitude as determined by submission of each applicant's fingerprints to the information systems section of the Department of Kentucky State Police and to the Federal Bureau of Investigation identification division, and by such other investigations as required by the hiring agency;
 - (d) Has taken a psychological suitability screening administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own suitability screening shall certify the results to the department;
 - (e) Has taken a polygraph examination administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own polygraph examination shall certify the results to the department; and
 - (f) Has passed a drug screening administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening if the results are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own screening shall certify passing results to the department.
- (2) Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary notwithstanding, the applicant's home address, telephone number, date of birth, Social Security number, and results of any background investigation, psychological suitability screening, and polygraph examination conducted under this section shall not be subject to disclosure.

→Section 11. KRS 95A.100 is amended to read as follows:

- (1) As used in this section and KRS 95A.102, "fire investigator" means a professional firefighter, as defined in KRS 95A.210, who has been appointed to **investigate offenses under KRS Chapter 513** ~~[be a fire investigator]~~ and to exercise peace officer powers.
- (2) The chief of a fire department may appoint a professional firefighter, as defined in KRS 95A.210, to be a fire investigator and to exercise peace officer powers in order to investigate crimes set out in KRS Chapter 513 and other crimes discovered in the course of investigation.
- (3) An individual appointed to be a fire investigator and to exercise peace officer powers shall take an oath to faithfully perform the duties of his or her office, shall affirm that he or she possesses the minimum qualifications under KRS 15.382, and shall undergo a basic training course approved by the Kentucky Law Enforcement Council.
- (4) The employing agency or jurisdiction of the fire investigator shall pay for the training required for certification by the Kentucky Law Enforcement Council.
- (5) Upon the Kentucky Law Enforcement Council's verification that the required standards have been met, a fire investigator shall have peace officer powers to investigate crimes set out in KRS Chapter 513 and other crimes discovered in the course of investigation.
- (6) A fire investigator may exercise his or her powers in a location other than the city or county in which he or she was appointed upon the request of:
 - (a) The chief of police, the chief of a fire department, the sheriff, or the chief executive of the city or county in which the fire investigator's services are to be utilized; or
 - (b) A federal agency that has an ongoing investigation in the city or county in which the fire investigator's services are to be utilized.

- (7) A fire investigator shall not:
- (a) Patrol the roads, streets, or highways;
 - (b) Issue traffic citations; or
 - (c) Perform general law enforcement duties outside of investigating crimes set out in KRS Chapter 513 and other crimes discovered in the course of investigation.

➔Section 12. KRS 241.110 is amended to read as follows:

- (1) The fiscal court of any county in which traffic in alcoholic beverages is not forbidden under KRS Chapter 242 may by resolution declare that regulation of the traffic in that county is necessary. The county judge/executive shall immediately constitute a county alcoholic beverage control administrator for the county. However, the county judge/executive may decline to accept this office, or after accepting the office, the county judge/executive may resign from the office, and in either event, notwithstanding the provisions of KRS 241.120 to and including KRS 241.150, the county judge/executive may promptly appoint a person at least thirty (30) years of age, who at the time of the appointment has been a citizen of the state and a resident of that county for at least two (2) years next preceding the date of appointment, and who is able to qualify to serve at the pleasure of the county judge/executive as county alcoholic beverage control administrator for that county. Before entering upon the duties of county alcoholic beverage control administrator appointed by the county judge/executive, the appointee shall take the oath prescribed by Section 228 of the Constitution. Upon the qualification and appointment of this person as county alcoholic beverage control administrator for the county, the person shall immediately notify the department.
- (2) The compensation of the county alcoholic beverage control administrator, appointed by the county judge/executive, shall be fixed by the fiscal court in accordance with KRS 64.530. The county judge/executive may also appoint any investigators and clerks deemed necessary for the proper conduct of the county alcoholic beverage control administrator's office, their salaries likewise shall be fixed by the fiscal court pursuant to KRS 64.530, and they will serve at the pleasure of the county judge/executive.
- (3) No person shall be a county alcoholic beverage control administrator, an investigator, or an employee of the county under the supervision of the county alcoholic beverage control administrator, who would be disqualified to be a member of the board under KRS 241.100.
- (4)
 - (a) The county alcoholic beverage control administrator, appointed by the county judge/executive, and the administrator's investigators, shall have full police powers of peace officers, and their jurisdiction shall be over the unincorporated areas of the county and within the corporate limits of any city in the county not having its own administrator. They may inspect any premises where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked in, without first obtaining a search warrant.
 - (b) ***The county judge/executive, serving as the county alcoholic beverage control administrator, shall not have the power to make arrests unless he or she is certified under KRS 15.380 to 15.404.***
- (5) Before entering upon official duties, each county administrator shall take the oath prescribed in Section 228 of the Constitution.

➔Section 13. KRS 431.074 is amended to read as follows:

- (1) The Administrative Office of the Courts shall retain an index of expungement orders entered under KRS 431.073 ***or 431.078.***
- (2) The index shall only be accessible to persons preparing a certification of eligibility for expungement pursuant to KRS 431.079 ***or the Kentucky Law Enforcement Council for the purpose of verifying qualifications under Section 3 of this Act.***
- (3) If the index indicates that the person applying for expungement has had a prior felony expunged under KRS 431.073, the person preparing the report may, notwithstanding the provisions of KRS 431.073, access the expunged record and include information from the expunged record in the certification.

Signed by Governor April 4, 2023.