

15.391 Revocation of peace officer certification -- Appeal -- Hearing -- Report -- Administrative regulations.

- (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;
 - (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) "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;
 - (e) "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; and
 - (f) "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 revoked by the council 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 any felony;
 3. Prohibition by federal or state law from possessing a firearm; or
 4. Receipt of a dishonorable discharge or bad conduct discharge from any branch of the Armed Forces of the United States.
 - (b) A peace officer whose certification is revoked pursuant to paragraph (a) of this subsection may file an appeal 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.
- (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 willful falsification of information to obtain or maintain certified status;
 2. 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;
 3. Termination of the peace officer for professional malfeasance or professional nonfeasance by his or her agency;
 4. 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 it been substantiated prior to his or her resignation or retirement; or
 5. 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.
- (b) The council shall review any allegations or reports of paragraph (a)1. to 5. of this subsection to determine whether the allegation or report warrants the initiation of proceedings to revoke a peace officer's certification. If the council determines to initiate proceedings to revoke a peace officer's certification based on the allegation or report, the administrative hearing shall be conducted pursuant to KRS Chapter 13B.
- (4) A peace officer may appeal a final order issued by the council denying reinstatement of his or her certification pursuant to subsection (2) of this section or revoking his or her certification pursuant to subsection (3) of this section as provided in KRS 13B.140.
- (5) (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 5. 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)4. 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.

- (6) The council may promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 95, sec. 1, effective June 27, 2019. -- Created 2007 Ky. Acts ch. 139, sec. 1, effective June 26, 2007.