

**95.450 Discipline of members of police and fire departments in urban-county governments and cities on DLG's registry of cities that belonged to the second and third classes on January 1, 2014.**

- (1) (a) The provisions of this section shall only apply to members of police and fire departments in urban-county governments and those cities that are included in the Department for Local Government registry created pursuant to subsection (9) of this section.
- (b) This section shall only apply to a member of the police department when the provisions of KRS 15.520 do not apply.
- (2) Except as provided in subsection (6) of this section no member of the police or fire department in cities listed on the registry pursuant to subsection (9) of this section or an urban-county government shall be reprimanded in writing, dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law or of the rules adopted by the legislative body, and only after charges are preferred and a hearing conducted as provided in this section.
- (3) (a) Any person may file a complaint against a member of the fire department by filing it with the clerk of the legislative body who shall immediately communicate the same to the legislative body. Any person may file a complaint against a member of the police department pursuant to KRS 15.520.
- (b) Subject to the provisions of KRS 15.520, the mayor, city manager, or legislative body shall, whenever probable cause appears, prefer charges against any member the mayor, city manager, or legislative body believes to be guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made.
- (c) The mayor, city manager, or legislative body preferring the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may thereupon be dismissed.
- (4) (a) Upon the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Unless otherwise agreed by the legislative body and the member charged, the legislative body shall proceed to hear the charges within ten (10) days after the charges were filed.
- (b) At least five (5) days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place, and hour at which the hearing of the charges will begin.
- (c) The member accused may, in writing, waive the service of charges and demand trial within ten (10) days after the charges are filed with the clerk.
- (5) The legislative body may summon and compel attendance of witnesses at hearings by subpoena issued by the clerk of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may

compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The member accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose, and the written charges filed in the matter shall be attached to the book containing the decision.

- (6) When the appointing authority or the head of the department has probable cause to believe a member of the police or fire department has been guilty of conduct justifying dismissal or punishment, he or she or it may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member accused.
- (7) The legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand in writing, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal from the service.
- (8) A member of a police or fire department found guilty pursuant to the provisions of this section shall have the right to appeal to the Circuit Court under KRS 95.460.
- (9) On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall be required to comply with the provisions of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second or third class as of January 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 191, sec. 4, effective July 14, 2022. -- Amended 2014 Ky. Acts ch. 92, sec. 112, effective January 1, 2015. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 115, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 165, sec. 1. -- Amended 1974 Ky. Acts ch. 248, sec. 7. -- Amended 1956 Ky. Acts ch. 246, sec. 14, effective May 18, 1956. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3138-1, 3138-4, 3235dd-35, 3351a-2.