

### **15.386 Certification categories -- Required courses -- Status of certification.**

The following certification categories shall exist:

- (1) "Precertification status" means that the officer is currently employed or appointed by an agency and:
  - (a) 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 and approval from the employing agency, 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; or
  - (b) Does not meet the minimum qualifications set forth in KRS 15.382 because the officer has yet to attain twenty-one (21) years of age. This precertification status is for the purpose of attending a basic training course only;
- (2) "Certification status" means that:
  - (a) 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; or
  - (b) For those officers that were employed at twenty (20) years of age and were precertified for the purpose of attending a basic training course, upon the council's verification that all minimum qualifications have been met, successful completion of a basic training course, and approval from the employing agency, the officer shall have full peace officer powers as authorized by 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. 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.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 103, sec. 4, effective June 29, 2023; and ch. 170, sec. 4, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 232, sec. 2, effective July 14, 2022. -- Amended 2021 Ky. Acts ch. 73, sec. 7, effective June 29, 2021. -- Amended 2019 Ky. Acts ch. 55, sec. 2, effective June 27, 2019; and ch. 95, sec. 2, effective June 27, 2019. -- Amended 2007 Ky. Acts ch. 76, sec. 2, effective June 26, 2007; and ch. 139, sec. 4, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 132, sec. 3, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 480, sec. 6, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 606, sec. 102, effective December 1, 1998.

**Legislative Research Commission Note (6/29/2023).** This statute was amended by 2023 Ky. Acts chs. 103 and 170, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (6/27/2019).** Under the authority of KRS 7.136(1), the Reviser of Statutes has changed the internal numbering of this statute to correct a manifest clerical or typographical error.

**Legislative Research Commission Note (6/26/2007).** The amendment to this section in 2007 Ky. Acts ch. 76, sec. 2, effective June 26, 2007, is retroactive to July 1, 2004. See 2007 Ky. Acts ch. 76, sec. 5.