

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2015 Regular Session**

Part I: Measure Information

Bill Request #: 843

Bill #: HB 333 GA

Bill Subject/Title: An ACT relating to peace officers.

Sponsor: Rep. Denver Butler

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: local police, state or public university police, sheriffs and their
deputies

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 333 GA clarifies and expands provisions of KRS 15.520, commonly known as the “Police Officer Bill of Rights.” The purpose of HB 333 GA is to extend procedural due process rights to police officers in intradepartmental disciplinary actions. Several courts have found that the due process rights guaranteed by KRS 15.520 are only applicable to police officers accused of wrongdoing by citizens and are not applicable to internal departmental disciplinary matters. See Todd v. University of Louisville, 2011 WL 5599540 (Ky.App.); Hill v. City of Mt. Washington, 2012 WL 163037 (Ky.App.).

HB 333 GA affects persons (“officers”) employed as full-time peace officers employed by units of government that receive funds from the Law Enforcement Foundation Program, and who have completed an officially established initial probationary period of employment. It amends KRS 15.520 by adding a new Section 1 containing definitions for “citizen”, “complaint”, “disciplinary action”, “general employment policies”, “interrogation” “law enforcement procedures” “misconduct” and “officer”.

The bill provides expanded standards for processing both criminal and non-criminal citizen complaints, and accusations of violation of procedures by persons within the law

enforcement agency employing the officer. Violations that would constitute a violation of the general employment policies of an agency are not covered by KRS 15.520 or this bill.

Section 2 of HB 333 GA includes extensive new language setting forth standards and procedures for ensuring the professional conduct of police officers of consolidated local governments, the fair adjudication of such complaints, and due process rights for officers. The section sets forth administrative procedures and due process rights for consolidated local government police officers when adjudicating an officer's conduct, both criminally and civilly. Additionally, Section 2(1)(h) specifically lists nine minimum administrative due process rights which are to be afforded to charged police officers.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 333 GA on local government is expected to be minimal to moderate.

Some additional costs to local governments will result from increased legal costs associated with this expansion and extension of the Police Officer Bill of Rights to internal disciplinary matters.

Under current law, internal disciplinary actions are not subject to the same procedures as citizen complaints. They are handled in accordance with local police department internal policies. Under HB 333 GA all complaints are subject to the Police Officer Bill of Rights statute (KRS 15.520). Extending due process rights to officers for internal disciplinary matters, including the right to counsel, may result in local governments incurring legal costs associated with representing the police department (or sheriff's department) during all phases of internal disciplinary matters. This includes the initial interrogation through an administrative hearing and any appeals to the courts. Additionally, failure to follow procedural guarantees established in the Police Officer Bill of Rights may result in adjournment of the proceedings and the award of back pay and benefits.

It is unknown how many of these actions will occur, the extent of legal representation required by local governments, and the costs associated with documented compliance (or non-compliance) with the requirements of Sections 1 and 2 of HB 333 GA.

Data Source(s): Kentucky State Police; KY Association of Chiefs of Police; KY Sheriffs Association; KY Association of Counties, KY Leaguer of Cities

Preparer: Hank Marks **Reviewer:** MCY **Date:** 2/27/15