

AN ACT relating to the Kentucky Law Enforcement Foundation Program.

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

➔Section 1. KRS 15.410 is amended to read as follows:

It is the intention of the General Assembly to assure that the criminal laws of the Commonwealth are enforced fairly, uniformly and effectively throughout the state by strengthening and upgrading ~~local~~ law enforcement; to attract competent, highly qualified young people to the field of law enforcement and to retain qualified and experienced officers for the purpose of providing maximum protection and safety to the citizens of, and the visitors to, this Commonwealth; and to offer a state monetary supplement for ~~local~~ law enforcement officers while upgrading the educational and training standards of such officers.

➔Section 2. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

(1) **"Conservation officer" means a full-time peace officer appointed by the commissioner of the Department of Fish and Wildlife Resources pursuant to KRS 150.090;**

(2) **"Council" means the Kentucky Law Enforcement Council;**

(3) "Local unit of government" means any city or county, combination of cities and counties, state or public university, or county sheriff's office of the Commonwealth;~~;~~

~~(4)~~(2) "Police officer" means:

(a) 1. A full-time member of a lawfully organized police department of county, urban-county or city government;~~;~~

2. A sheriff or full-time deputy sheriff, including any providing court security or appointed under KRS 70.030;~~;~~

3. A state or public university police officer who is responsible for the prevention and detection of crime and the enforcement of the general

criminal laws of the state; or

**4. A conservation officer;**~~[-]~~ but

- (b)** Does not include Department of Kentucky State Police, any sheriff who earns the maximum constitutional salary for this office, any special deputy sheriff appointed under KRS 70.045, any constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer, or any other peace officer not specifically authorized in KRS 15.410 to 15.510;

**(5) "Unit of government" includes local units of government, state and public universities, and the Department of Fish and Wildlife Resources established by KRS 150.021; and**~~[-]~~

~~[(3) "Council" means the Kentucky Law Enforcement Council.]~~

- (6)**~~[(4)]~~ "Validated job task analysis" means the core job description which describes the minimum entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth which is 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 3. KRS 15.440 is amended to read as follows:

- (1) Each ~~local~~ unit of government which meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:
- (a) Employs one (1) or more police officers;
  - (b) Pays every police officer at least the minimum federal wage;
  - (c) Maintains the minimum educational requirement of a high school degree, or its equivalent as determined by the Kentucky Law Enforcement Council, for employment of police officers on or after July 1, 1972, for conservation

officers appointed on or after the effective date of this Act, ~~and~~ for all sheriffs appointed or elected on or after July 15, 1998, and for all deputy sheriffs, and state or public university police officers employed after July 15, 1998; provided, however, that all police officers employed prior to July 1, 1972, and all conservation officers appointed prior to the effective date of this Act shall be deemed to have met the requirements of this subsection, and that all sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to July 15, 1998, shall be deemed to have met the requirements of this subsection;

- (d) Requires all police officers employed on or after July 1, 1972, all conservation officers appointed on or after the effective date of this Act, ~~and~~ all sheriffs appointed or elected on or after July 15, 1998, and deputy sheriffs, and state or public university police officers employed on or after January 1, 1998, to successfully complete a basic training course of at least six hundred forty (640) hours' duration within one (1) year of the date of employment at a school certified or recognized by the Kentucky Law Enforcement Council. All sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or public university police, employed prior to January 1, 1998, and all conservation officers appointed prior to the effective date of this Act shall be deemed to have met the requirements of this subsection. The council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, set the number of hours for basic training at a number higher than six hundred forty (640) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis;
- (e) Requires all police officers regardless of date of employment, ~~whether originally employed before or after July 1, 1972, and all sheriffs appointed or~~

~~elected before, on, or after July 15, 1998, and all deputy sheriffs and state or public police officers employed before, on, or after July 15, 1998,]~~ to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of his or her department, of at least forty (40) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council. This requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;

- (f) Requires compliance with all provisions of law applicable to ~~[local] police officers[, state or public university police,]~~ or sheriffs and their deputies, including transmission of data to the centralized criminal history record information system as required by KRS 17.150;
- (g) Requires compliance with all reasonable rules and regulations, appropriate to the size and location of the police officer or sheriff's department or office ~~[local police department, state or public university police department, or sheriff's office]~~, issued by the Justice and Public Safety Cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510; and
- (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that meets the standards set forth by, and has been approved by, the Justice and Public Safety Cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include purpose statements; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and

domestic violence to the Cabinet for Families and Children, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records.

- (2) *To continue sharing in the distribution of funds from the Law Enforcement Foundation Program, a police department of a*~~[No local]~~ unit of government *or sheriff's office* which meets the criteria of this section shall *continue*~~[be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund unless the local police department, state or public university police department, or sheriff's office actually begins and continues]~~ to comply with the requirements of this section; provided, further, that no ~~[local]~~ unit *of government or sheriff's office* shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund until the *unit of government*~~[local]~~ police department~~[, state or public university police department,]~~ or sheriff's office has substantially complied with subsection (1)(f) and (g) of this section.
- (3) A sheriff's office shall not lose eligibility to share in the distribution of funds from the Law Enforcement Foundation Program fund if the sheriff does not participate in the Law Enforcement Foundation Program fund.

➔Section 4. KRS 15.450 is amended to read as follows:

- (1) The secretary or his or her designated representative shall administer the Law Enforcement Foundation Program fund pursuant to the provisions of KRS 15.410 to 15.510 and may promulgate any administrative regulations as, in his or her judgment, are necessary to carry out his responsibilities under KRS 15.410 to 15.510. Administrative hearings promulgated by administrative regulation under authority of this section shall be conducted in accordance with KRS Chapter 13B.
- (2) The secretary or his *or her* designated representative shall determine which ~~[local]~~ units of government are eligible to share in the Law Enforcement Foundation Program fund and may withhold or terminate payments to any ~~[local]~~ unit *of*

government that does not comply with the requirements of KRS 15.410 to 15.510 or the administrative regulations issued by the Justice and Public Safety Cabinet under KRS 15.410 to 15.510.

- (3) The Justice and Public Safety Cabinet shall, from moneys appropriated and accruing to the fund as provided under KRS 15.430, receive reimbursement for the salaries and other costs of administering the fund, including, but not limited to, council operations and expenses. The amount to be reimbursed for any given year shall be determined by the council and shall not exceed five percent (5%) of the total amount of funds for that year.
- (4) The Justice and Public Safety Cabinet shall furnish periodically to the council any reports as may be deemed reasonably necessary.

➔Section 5. KRS 15.460 is amended to read as follows:

- (1) Except as provided in subsection (4)(a) of this section, beginning July 15, 1998, an eligible ~~local~~ unit of government shall be entitled to receive annually a supplement of two thousand seven hundred fifty dollars (\$2,750) for each qualified police officer it employs, and beginning on July 1, 1999, an annual supplement of three thousand dollars (\$3,000) for each qualified police officer it employs, plus an amount equal to the required employer's contribution on the supplement to the defined benefit pension plan to which the police officer belongs, but no more than the required employer's contribution to the County Employees Retirement System hazardous duty category. In the case of County Employees Retirement System membership, the pension contribution on the supplement shall be paid whether the police officer enters the system under hazardous duty coverage or nonhazardous coverage. The ~~local~~ unit of government shall pay the amount received for retirement coverage to the appropriate retirement system to cover the required employer contribution on the pay supplement. Should the foundation program funds be insufficient to pay employer contributions to the system, then the total amount

available for pension payments shall be prorated to each eligible unit of government so that each receives the same percentage of required pension costs attributable to the cash salary supplement.

- (2) Each qualified police officer, whose unit of~~local~~ government receives a supplement pursuant to subsection (1) of this section, shall be paid by the unit of~~local~~ government the supplement which his or her qualifications brought to the local government. The supplement paid each police officer shall be in addition to his or her regular salary and, except as provided in subsection (4)(b) of this section, shall continue to be paid to an officer who is a member of:
- (a) The Kentucky National Guard during any period of activation under Title 10 or 32 of the United States Code or KRS 38.030; or
  - (b) Any reserve component of the United States Armed Forces during any period of activation with the United States Armed Forces.
- (3) (a) Any~~Each~~ qualified sheriff who receives the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.
- (b) Any~~Each~~ qualified sheriff who does not receive the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the expense allowance provided by KRS 70.170, shall, upon annual settlement with the fiscal court under KRS 134.192, receive that portion of the supplement that will not cause his or her compensation to exceed the maximum salary.
- (c) Each qualified sheriff who seeks to participate in the fund shall forward a copy of the annual settlement prepared under KRS 134.192 to the fund. The sheriff shall reimburse the fund if an audit of the annual settlement conducted pursuant to KRS 134.192 reflects that the sheriff received all or a portion of the supplement in violation of this section. A sheriff who fails to provide a

copy of the annual settlement to the fund or to reimburse the fund after correction by audit, if required, shall not be qualified to participate in the fund for a period of two (2) years.

- (d) Each qualified deputy sheriff shall receive the supplement from the sheriff if the sheriff administers his or her own budget or from the county treasurer if the sheriff pools his or her fees. The failure of a sheriff to comply with the provisions of this section shall not affect the qualification of his or her deputies to participate in the fund.
- (4) (a) Eligible ~~local~~ units of government shall receive the salary supplement, excluding funds applicable to the employer's pension fund contribution, provided in subsection (1) of this section for distribution to a police~~an~~ officer who is eligible under subsection (2) of this section.
- (b) A qualified police officer receiving a salary supplement during any period of military activation, as provided in subsection (2) of this section, shall not be entitled to receive the employer's pension system contribution, and the salary supplement shall not be subjected to an employee's contribution to a pension system. The salary supplement shall otherwise be taxable for all purposes.

➔Section 6. KRS 15.470 is amended to read as follows:

Law Enforcement Foundation Program funds made available to ~~local~~ units *of* government shall be received, held, and expended in accordance with the provisions of KRS 15.410 to 15.510, including the administrative regulations promulgated by the Justice and Public Safety Cabinet and the following specific restrictions:

- (1) Funds provided shall be used only as a cash salary supplement to police officers, for payments to the defined benefit pension plan to which the officer belongs to cover employer retirement costs on the cash salary supplement, and for administrative costs as provided in KRS 15.450;
- (2) Funds provided shall be used only to compensate police officers who have complied



with KRS 15.440(1)(c), (d), and (e);

- (3) Each police officer shall be entitled to receive the state supplement which his or her qualifications brought to the local unit;
- (4) Funds provided shall not be used to supplant existing salaries or as a substitute for normal salary increases periodically due to police officers;
- (5) Each police officer receiving the state supplement who is also a member of the Kentucky National Guard or any reserve component of the United States Armed Forces shall continue to receive the state supplement during any period of military activation, as provided in KRS 15.460(2); and
- (6) Funds distributed or received pursuant to subsection (5) of this section shall be excluded from all aspects of the Kentucky Retirement Systems or any other retirement system.

➔Section 7. KRS 15.480 is amended to read as follows:

The Finance and Administration Cabinet, on the certification of the Justice and Public Safety Cabinet, shall draw warrants as specified hereinafter on the State Treasurer for the amount of the Law Enforcement Foundation Program fund due each participating ~~local~~ unit of government. Checks shall be issued by the State Treasurer and transmitted to the Justice and Public Safety Cabinet for distribution to the proper officials of participating ~~local~~ units of government which have complied with the provisions of KRS 15.410 to 15.510 and the administrative regulations of the Justice and Public Safety Cabinet. ~~Beginning July 1, 1972, and~~ On the first day of each month ~~thereafter~~, the share of each eligible and participating ~~local~~ unit of government shall be distributed from the Law Enforcement Foundation Program fund.

➔Section 8. KRS 15.490 is amended to read as follows:

- (1) Each participating ~~local~~ unit of government shall submit reports to the Justice and Public Safety Cabinet on March 31, June 30, September 30, and December 31 of each year containing information relative to number, rank, education, training, and

compensation of police officers employed by it and the disposition made of any state or other funds received pursuant to KRS 15.410 to 15.510. Nothing in this section shall prohibit the Justice and Public Safety Cabinet from requiring additional information or reports from participating local units of government;

- (2) ~~Local~~ Units of government shall include the additional compensation paid to each police officer from the Law Enforcement Foundation Program fund as a part of the officer's salary in determining all payroll deductions.

➔Section 9. KRS 15.500 is amended to read as follows:

- (1) If funds appropriated by the General Assembly and otherwise made available to the Law Enforcement Foundation Program fund are insufficient to provide the amount of money required by KRS 15.460, the Justice and Public Safety Cabinet shall establish the rate of assistance to be paid to eligible ~~local~~ units of government~~governments~~.
- (2) Funds unexpended by the Justice and Public Safety Cabinet at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund, pursuant to KRS 15.430, 42.190 and 136.392, shall not lapse as provided by KRS 45.229 but shall be carried forward into the following fiscal year and shall be used solely for the purposes specified in KRS 15.410 to 15.500.

➔Section 10. KRS 15.340 is amended to read as follows:

Subject to approval by the secretary, the department may make its facilities and services available upon the following terms:

- (1) The department may determine to which law enforcement agencies, corrections agencies and court agencies and its officers it will offer training;
- (2) In determining the law enforcement officers for which it will offer training and in allocating available funds, the department shall give first priority to "police officers" as defined by KRS 15.420~~(4)~~~~(2)~~, public airport authority security officers and campus police;

- (3) Except for the officers described in subsection (2) of this section, the department may determine whether persons to whom it offers training or agencies employing such persons must bear any or all costs of such training.