

1 AN ACT relating to law enforcement training.

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

3 ➔Section 1. KRS 15.440 is amended to read as follows:

4 (1) Each local unit of government which meets the following requirements shall be
5 eligible to share in the distribution of funds from the Law Enforcement Foundation
6 Program fund:

- 7 (a) Employs one (1) or more police officers;
- 8 (b) Pays every police officer at least the minimum federal wage;
- 9 (c) Maintains the minimum educational requirement of a high school degree, or
10 its equivalent as determined by the Kentucky Law Enforcement Council, for
11 employment of police officers on or after July 1, 1972, and for all sheriffs
12 appointed or elected on or after July 15, 1998, and all deputy sheriffs, and
13 state or public university police officers employed after July 15, 1998;
14 provided, however, that all police officers employed prior to July 1, 1972,
15 shall be deemed to have met the requirements of this subsection, and that all
16 sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or
17 public university police, employed prior to July 15, 1998, shall be deemed to
18 have met the requirements of this subsection;

- 19 (d) 1. Requires all police officers employed on or after July 1, 1972, and all
20 sheriffs appointed or elected on or after July 15, 1998, and deputy
21 sheriffs, and state or public university police officers employed on or
22 after January 1, 1998, to successfully complete a basic training course of
23 nine hundred twenty-eight (928) hours' duration within one (1) year of
24 the date of employment at a school certified or recognized by the
25 Kentucky Law Enforcement Council, which may provide a different
26 number of hours of instruction as established in this paragraph. All
27 sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state

- 1 or public university police, employed prior to January 1, 1998, shall be
2 deemed to have met the requirements of this subsection.
- 3 2. As the exclusive method by which the number of hours required for
4 basic training courses shall be modified from that which is specifically
5 established by this paragraph, the council may, by the promulgation of
6 administrative regulations in accordance with the provisions of KRS
7 Chapter 13A, explicitly set the exact number of hours for basic training
8 at a number different from nine hundred twenty-eight (928) hours based
9 upon a training curriculum approved by the Kentucky Law Enforcement
10 Council as determined by a validated job task analysis.
- 11 3. If the council sets an exact number of hours different from nine hundred
12 twenty-eight (928) in an administrative regulation as set out in this
13 paragraph, it shall not further change the number of hours required for
14 basic training without promulgating administrative regulations in
15 accordance with the provisions of KRS Chapter 13A.
- 16 4. Nothing in this paragraph shall be interpreted to prevent the council
17 pursuant to its authority under KRS 15.330 from approving training
18 schools with a curriculum requiring attendance of a number of hours that
19 exceeds nine hundred twenty-eight (928) hours or the number of hours
20 established in an administrative regulation set out by subparagraphs 2.
21 and 3. of this paragraph. However, the training programs and schools for
22 the basic training of law enforcement personnel conducted by the
23 department pursuant to KRS 15A.070 shall not contain a curriculum that
24 requires attendance of a number of hours for basic training that is
25 different from nine hundred twenty-eight (928) hours or the number of
26 hours established in an administrative regulation promulgated by the
27 council pursuant to the provisions of KRS Chapter 13A as set out by

1 subparagraphs 2. and 3. of this paragraph.

2 **5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this**
3 **paragraph to the contrary notwithstanding, the council may, through**
4 **the promulgation of administrative regulations in accordance with the**
5 **provisions of KRS Chapter 13A, approve basic training credit for:**

6 **a. Years of service credit as a law enforcement officer with previous**
7 **service in another state; and**

8 **b. Basic training completed in another state;**

9 (e) Requires all police officers, whether originally employed before or after July
10 1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,
11 and all deputy sheriffs and state or public police officers employed before, on,
12 or after July 15, 1998, to successfully complete each calendar year an in-
13 service training course, appropriate to the officer's rank and responsibility and
14 the size and location of his department, of forty (40) hours' duration, of which
15 the number of hours shall not be changed by the council, at a school certified
16 or recognized by the Kentucky Law Enforcement Council. This requirement
17 shall be waived for the period of time that a peace officer is serving on active
18 duty in the United States Armed Forces. This waiver shall be retroactive for
19 peace officers from the date of September 11, 2001;

20 (f) Requires compliance with all provisions of law applicable to local police,
21 state or public university police, or sheriffs and their deputies, including
22 transmission of data to the centralized criminal history record information
23 system as required by KRS 17.150;

24 (g) Requires compliance with all reasonable rules and regulations, appropriate to
25 the size and location of the local police department, state or public university
26 police department, or sheriff's office, issued by the Justice and Public Safety
27 Cabinet to facilitate the administration of the fund and further the purposes of

1 KRS 15.410 to 15.510;

2 (h) Possesses a written policy and procedures manual related to domestic violence
3 for law enforcement agencies that meets the standards set forth by, and has
4 been approved by, the Justice and Public Safety Cabinet. The policy shall
5 comply with the provisions of KRS 403.715 to 403.785. The policy shall
6 include purpose statements; definitions; supervisory responsibilities;
7 procedures for twenty-four (24) hour access to protective orders; procedures
8 for enforcement of court orders or relief when protective orders are violated;
9 procedures for timely and contemporaneous reporting of adult abuse and
10 domestic violence to the Cabinet for Families and Children, Department for
11 Community Based Services; victim rights, assistance, and service
12 responsibilities; and duties related to timely completion of records; and

13 (i) Possesses by January 1, 2017, a written policy and procedures manual related
14 to sexual assault examinations that meets the standards set forth by, and has
15 been approved by, the Justice and Public Safety Cabinet, and which includes:

16 1. A requirement that evidence collected as a result of an examination
17 performed under KRS 216B.400 be taken into custody within five (5)
18 days of notice from the collecting facility that the evidence is available
19 for retrieval;

20 2. A requirement that evidence received from a collecting facility relating
21 to an incident which occurred outside the jurisdiction of the department
22 be transmitted to a department with jurisdiction within ten (10) days of
23 its receipt by the department;

24 3. A requirement that all evidence retrieved from a collecting facility under
25 this paragraph be transmitted to the Department of Kentucky State
26 Police forensic laboratory within thirty (30) days of its receipt by the
27 department;

- 1 4. A requirement that a suspect standard, if available, be transmitted to the
2 Department of Kentucky State Police forensic laboratory with the
3 evidence received from a collecting facility; and
- 4 5. A process for notifying the victim from whom the evidence was
5 collected of the progress of the testing, whether the testing resulted in a
6 match to other DNA samples, and if the evidence is to be destroyed. The
7 policy may include provisions for delaying notice until a suspect is
8 apprehended or the office of the Commonwealth's attorney consents to
9 the notification, but shall not automatically require the disclosure of the
10 identity of any person to whom the evidence matched.
- 11 (2) No local unit of government which meets the criteria of this section shall be eligible
12 to continue sharing in the distribution of funds from the Law Enforcement
13 Foundation Program fund unless the local police department, state or public
14 university police department, or sheriff's office actually begins and continues to
15 comply with the requirements of this section; provided, further, that no local unit
16 shall be eligible to share in the distribution of funds from the Law Enforcement
17 Foundation Program fund until the local police department, state or public
18 university police department, or sheriff's office has substantially complied with
19 subsection (1)(f) and (g) of this section.
- 20 (3) A sheriff's office shall not lose eligibility to share in the distribution of funds from
21 the Law Enforcement Foundation Program fund if the sheriff does not participate in
22 the Law Enforcement Foundation Program fund.
- 23 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
24 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
25 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
26 criminal action.