AN ACT relating to law enforcement seizure of money or property.

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

Section 1. KRS 218A.440 is amended to read as follows:

(1) Each law enforcement agency seizing money or property pursuant to KRS 218A.415 shall, within thirty (30) days following the close of each fiscal year, file an asset seizure reporting form with the Auditor of Public Accounts, and with the secretary of the Justice and Public Safety Cabinet, declaring whether or not the law enforcement agency seized money or property pursuant to KRS 218A.415.

(b) If the law enforcement agency did seize money or property pursuant to KRS 218A.415, the asset seizure reporting form shall contain:

1. For the preceding fiscal year, a detailed listing of all money and property seized in that fiscal year and the disposition thereof. The listing shall identify all money and property seized and shall include for each seizure:

   a. The date of seizure;

   b. A description of the seized money or property, including the amount of the money or estimated value of the property;

   c. From whom the money or property was seized and the exact location of where the money or property was seized;

   d. The alleged criminal offense associated with the seizure and the case number for the offense;

   e. The disposition of any criminal action related to the seizure, including whether the defendant was charged with an offense, if charges were dismissed, and if the defendant was acquitted, entered into a plea agreement, or was convicted;

   f. Information on the final disposition of the seized property,
including whether the money or property was returned to the
owner, destroyed, sold or converted to government use, and the
date of the disposition; and

g.  If forfeiture occurred, whether:

i.  Forfeiture resulted from a seizure made by a federal
    agency or a joint task force composed of local, state, and
    federal law enforcement agencies;

ii. A defendant, owner, joint owner, or third-party owner
    made a claim or counterclaim for the seized money or
    property; and

iii. There was a forfeiture settlement agreement; and

2.  Beginning with the second fiscal year following the effective date of
    this Act, for all other prior fiscal years, a detailed listing of any money
    and property seized in those years that have not yet been disposed of.
    The listing shall identify all money and property not yet disposed of
    and shall include for each seizure:

   a.  The date of seizure;

   b.  A description of the seized money or property, including the
       amount of the money or estimated value of the property;

   c.  From whom the money or property was seized and the exact
       location of where the money or property was seized;

   d.  The alleged criminal offense associated with the seizure and the
       case number for the offense; and

   e.  The disposition of any criminal action related to the seizure,
       including whether the defendant was charged with an offense, if
       charges were dismissed, and if the defendant was acquitted,
       entered into a plea agreement, or was convicted.
The Justice and Public Safety Cabinet shall develop an asset seizure reporting form to be completed by law enforcement agencies.

Within ninety (90) days following the close of each fiscal year, the Justice and Public Safety Cabinet shall:

(a) Notify any law enforcement agency that has not filed an asset seizure reporting form pursuant to subsection (1) of this section. The agency shall have thirty (30) days from the date of notification to file the form. If the agency does not comply within those thirty (30) days, the Justice and Public Safety Cabinet shall refer the agency to the Attorney General for civil action pursuant to subsection (3) of this section; and

(b) Provide a summary report of the money and property seized by law enforcement agencies to the Legislative Research Commission and the Interim Joint Committee on Judiciary.

Any agency failing to report as required by this section shall be liable to the state for the full value of all property and money so seized. The Attorney General shall institute civil actions for recovery of money or property obtained or retained in violation of KRS 218A.405 to 218A.460.

The Auditor of Public Accounts, the secretary of the Justice and Public Safety Cabinet, or the Attorney General may at any time initiate an inquiry to determine compliance with that property is being forfeited as required by KRS 218A.405 to 218A.460.

Section 2. KRS 15.440 is amended to read as follows:

(1) Each unit of government that 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) Requires all police officers to have, at a minimum, a high school degree, or its
equivalent as determined by the council, except that each police officer
employed prior to the date on which the officer's police department was
included as a participant under KRS 15.410 to 15.510 shall be deemed to have
met the requirements of this subsection;

(d) 1. Requires all police officers to successfully complete a basic training
course of nine hundred twenty-eight (928) hours' duration within one (1)
year of the date of employment at a school certified or recognized by the
council, which may provide a different number of hours of instruction as
established in this paragraph, except that each police officer employed
prior to the date on which the officer's police department was included
as a participant under KRS 15.410 to 15.510 shall be deemed to have
met the requirements of this subsection.

2. As the exclusive method by which the number of hours required for
basic training courses shall be modified from that which is specifically
established by this paragraph, the council may, by the promulgation of
administrative regulations in accordance with the provisions of KRS
Chapter 13A, explicitly set the exact number of hours for basic training
at a number different from nine hundred twenty-eight (928) hours based
upon a training curriculum approved by the Kentucky Law Enforcement
Council as determined by a validated job task analysis.

3. If the council sets an exact number of hours different from nine hundred
twenty-eight (928) in an administrative regulation as provided by this
paragraph, it shall not further change the number of hours required for
basic training without promulgating administrative regulations in
accordance with the provisions of KRS Chapter 13A.

4. Nothing in this paragraph shall be interpreted to prevent the council,
pursuant to its authority under KRS 15.330, from approving training
schools with a curriculum requiring attendance of a number of hours that
exceeds nine hundred twenty-eight (928) hours or the number of hours
established in an administrative regulation as provided by subparagraphs
2. and 3. of this paragraph. However, the training programs and schools
for the basic training of law enforcement personnel conducted by the
department pursuant to KRS 15A.070 shall not contain a curriculum that
requires attendance of a number of hours for basic training that is
different from nine hundred twenty-eight (928) hours or the number of
hours established in an administrative regulation promulgated by the
council pursuant to the provisions of KRS Chapter 13A as provided by
subparagraphs 2. and 3. of this paragraph.

5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph
to the contrary notwithstanding, the council may, through the
promulgation of administrative regulations in accordance with KRS
Chapter 13A, approve basic training credit for:
   a. Years of service credit as a law enforcement officer with previous
      service in another state; and
   b. Basic training completed in another state;

(e) Requires all police officers 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 the officer's police department, of forty (40) hours'
duration, of which the number of hours shall not be changed by the council, at
a school certified or recognized by the 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) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150, and transmission of reports as required by KRS 15.391, and transmission of the annual asset seizure reporting form as required by Section 1 of this Act;

(g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;

(h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; 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 Health and Family Services, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records; and

(i) Possesses by January 1, 2017, a written policy and procedures manual related to sexual assault examinations that meets the standards provided by, and has been approved by, the cabinet, and which includes:

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

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

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

4. A requirement that a suspect standard, if available, be transmitted to the
Department of Kentucky State Police forensic laboratory with the
evidence received from a collecting facility; and

5. A process for notifying the victim from whom the evidence was
collected of the progress of the testing, whether the testing resulted in a
match to other DNA samples, and if the evidence is to be destroyed. The
policy may include provisions for delaying notice until a suspect is
apprehended or the office of the Commonwealth's attorney consents to
the notification, but shall not automatically require the disclosure of the
identity of any person to whom the evidence matched.

(2) A unit of government which meets the criteria of this section shall be eligible to
continue sharing in the distribution of funds from the Law Enforcement Foundation
Program fund only if the police department of the unit of government remains in
compliance with the requirements of this section.

(3) Deputies employed by a sheriff's office shall be eligible to participate in the
distribution of funds from the Law Enforcement Foundation Program fund
regardless of participation by the sheriff.

(4) Failure to meet a deadline established in a policy adopted pursuant to subsection
(1)(i) of this section for the retrieval or submission of evidence shall not be a basis
for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
1 criminal action.

2 ➔ Section 3. The restrictions of KRS 6.945(1) shall not apply to Section 1 of this Act.