AN ACT relating to police pursuit policies and making an appropriation therefor.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "law enforcement agency" means:

(a) Any public agency that employs a police officer as defined in KRS 15.420 or a special law enforcement officer as defined by KRS 61.900;

(b) Any public agency that is composed of or employs other public peace officers; and

(c) Any elected or appointed peace officer who is authorized to exercise powers of a peace officer as defined in KRS 446.010.

(2) On or after January 1, 2021, each law enforcement agency of this state shall adopt, implement, enforce, and maintain written policies that establish standards and procedures for the vehicular pursuit of any person who has violated or is suspected of violating the laws of this state. The policy shall create guidelines for determining when the interests of public safety and effective law enforcement justify the initiation or termination of a vehicular pursuit. The policy shall address the following subjects:

(a) The definition of pursuit that will be governed under the law enforcement agency's policy;

(b) Decision-making criteria or principles that are designed to assist peace officers in determining whether to initiate a pursuit. The criteria or principles may include, but shall not be limited to:

1. The potential for harm or potential danger to others if the fleeing individual evades or escapes immediate custody;

2. The seriousness of the offense committed or believed to be committed, by the fleeing individual or individuals, prior to the officer activating
emergency equipment.

3. If the officer has a reasonable and articulable suspicion that the driver
or an occupant of the vehicle in which they are fleeing represent a
clear and present danger to the public safety;

4. Safety factors that pose a risk to peace officers, other motorists,
pedestrians, or other third parties;

5. Vehicular or pedestrian traffic safety and volume;

6. Weather and vehicle conditions;

7. Potential speeds of the pursuit; and

8. Consideration of whether the identity of an offender is known and
could be apprehended at a later time;

(c) Responsibilities of the pursing peace officer or officers, including pursuit
tactics and when those tactics are appropriate for use by the officer or
officers;

(d) Procedures for designating the primary pursuit vehicle and for determining
the total number of vehicles that are permitted to participate at one (1) time
in the pursuit;

(e) Coordination of communications during the pursuit, including but not
limited to responsibilities of the pursuing officer to communicate with his or
her communications center at the commencement of a pursuit regarding
the location, direction of travel, reason for the pursuit, and ongoing status
reporting during the pursuit;

(f) A requirement that there is supervisory control of the pursuit, including the
responsibilities of command staff or other supervisors during the pursuit, if
a supervisor is available;

(g) The circumstances and conditions where the use of pursuit intervention
tactics, including but not limited to, blocking, ramming, boxing, and
roadblock procedures may be employed;

(h) Decision-making criteria or principles that are designed to assist peace
officers in making an on-going determination during the course of the
pursuit of whether to continue the pursuit or to terminate or discontinue it.
The criteria or principles may include, but shall not be limited to:

1. The potential for harm or potential danger to others if the fleeing
   individual evades or escapes immediate custody;

2. The seriousness of the offense committed or believed to have been
   committed by the individual or individuals that are fleeing;

3. Safety factors that pose a risk to peace officers, other motorists,
   pedestrians, or other third parties;

4. Vehicular or pedestrian traffic safety and volume;

5. Weather and vehicle conditions;

6. Speeds of the pursuit;

7. Consideration of whether the identity of an offender is known and
   could be apprehended at a later time; or

8. Where the officer has a reasonable and articulable suspicion that the
   driver or an occupant of the vehicle in which they are fleeing
   represent a clear and present danger to the public safety;

(i) Procedures for coordinating the pursuit with other law enforcement
   agencies, including procedures for interjurisdictional pursuits; and

(j) A process for reporting and evaluating each pursuit by the law enforcement
   agency.

(3) The policy adopted by a law enforcement agency may be a model policy that has
    been endorsed by a national or state organization if the model complies with
    subsection (2) of this section and other laws of this Commonwealth.

(4) Upon the initial adoption of the policy, a law enforcement agency shall cause a
full copy of its policy to be filed with the Justice Cabinet, which shall maintain a
list of law enforcement agencies that have complied with the requirements of this
section. If a law enforcement agency fails to comply with the requirements of this
section, the Justice Cabinet shall notify all state agencies to suspend delivery of
all discretionary payments of state funds or state-administered federal funds to a
noncompliant law enforcement agency during its period of noncompliance.

(5) Each law enforcement agency shall receive and maintain written confirmation
from each officer in its employment that he or she has received a copy of the
policy, and that he or she has received instruction or training specific to the law
enforcement agency's policy. The failure of any officer to provide certification
shall not be used to impose liability on an individual officer or law enforcement
agency.

(6) Any policy adopted pursuant to this section or any model developed by any public
agency for use by law enforcement agencies to achieve compliance with this
section shall remain confidential and shall not be subject to disclosure under
KRS 61.870 to 61.884.

(7) Any policy adopted pursuant to this section, shall be reviewed annually and may
be revised at any time by the agency adopting it. The agency shall cause a full
copy of its revised policy to be filed with the Justice Cabinet.

(8) The requirements of this section are solely intended to direct law enforcement
agencies to adopt, implement, enforce, and maintain written vehicular pursuit
policies and outline the subjects of these policies. This section shall not be
interpreted or construed to:

(a) Mandate the actions of individual peace officers of a law enforcement
agency during any particular pursuit;

(b) Restrict a law enforcement agency from adopting additional policy
requirements, including policies that limit or prohibit vehicular pursuits; or
(c) Create any civil liability upon peace officers, law enforcement agencies, or any public agency that has created or is responsible for the oversight of the law enforcement agency.

SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) No elected law enforcement officer who has not:

(a) Completed a Kentucky Law Enforcement Council approved course in emergency vehicle operation; and

(b) Complied with the requirements of paragraph (e) of subsection (1) of section 3 of this Act shall be authorized to engage in the vehicular pursuit of any individual or individuals who have violated or are suspected of violating the laws of this state.

(2) Notwithstanding KRS 446.010, any elected law enforcement officer who violates subsection (1) of this section shall be charged with malfeasance in office under Section 4 of this Act.

(3) For the purposes of this section, "vehicular pursuit" means an active attempt by an individual operating a vehicle to apprehend a fleeing person who has violated or is suspected of violating the law who is actively attempting to elude any elected peace officer who is authorized to exercise powers of a peace officer as defined in KRS 446.010.

Section 3. 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 eight (8) hours shall be in emergency vehicle operation [the number of hours shall not be changed by the council], at a school certified or recognized by the council. The number of hours required shall not be changed by the council. This in-service training 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;

(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
criminal action.

Section 4. KRS 61.170 is amended to read as follows:

(1) County judges/executive, justices of the peace, sheriffs, coroners, surveyors, jailers, county attorneys, and constables may be indicted in the county in which they reside for misfeasance or malfeasance in office, or willful neglect in the discharge of official duties, and if convicted they shall be fined not less than one hundred ($100) nor more than one thousand dollars ($1,000), and the judgment of conviction shall declare the office held by such person vacant.

(2) Any sheriff, deputy sheriff, policeman, or other peace officer who fails to enforce any provision of KRS Chapter 242 after receiving information of a violation thereof, or having knowledge of a violation thereof and failing to act thereon, may be indicted for nonfeasance or malfeasance in office, and if convicted shall be fined not less than fifty ($50) nor more than two hundred dollars ($200), and the judgment of conviction shall declare the office held by such person vacant.

(3) In the absence of good cause shown, a member of the fiscal court who fails to attend fifty percent (50%) of the regular terms of the fiscal court within a six (6) month period or who fails to attend two (2) consecutive terms of the fiscal court shall be charged with neglect of office and upon conviction shall forfeit his office.

(4) Any elected law enforcement officer who is convicted of a violation of Section 2 of this Act shall be fined not less than fifty ($50) nor more than two hundred dollars ($200), and the judgment of conviction shall declare the office held by the elected law enforcement officer person vacant.

Section 5. KRS 186.560 (Effective July 1, 2020) is amended to read as follows:

(1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his or her:

(a) Conviction of any of the following offenses:

1. Murder or manslaughter resulting from the operation of a motor vehicle;
2. Driving a vehicle which is not a motor vehicle while under the influence of alcohol or any other substance which may impair one's driving ability;
3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways;
4. Any felony in the commission of which a motor vehicle is used;
5. Conviction or forfeiture of bail upon three (3) charges of reckless driving within the preceding twelve (12) months;
6. Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident;
7. Conviction of theft of a motor vehicle or any of its parts, including the conviction of any person under the age of eighteen (18) years;
8. Failure to have in full force and effect the security required by Subtitle 39 of KRS Chapter 304 upon conviction of a second and each subsequent offense within any five (5) year period;
9. Conviction for fraudulent use of a driver's license or use of a fraudulent driver's license to purchase or attempt to purchase alcoholic beverages, as defined in KRS 241.010, in violation of KRS 244.085(4); and
10. Conviction of operating a motor vehicle, motorcycle, or moped without an operator's license as required by KRS 186.410; and or

11. **Conviction of fleeing or evading police in the second degree; or**

(b) Being found incompetent to stand trial under KRS Chapter 504.

(2) If the person convicted of any offense named in subsection (1) of this section or who is found incompetent to stand trial is not the holder of a license, the cabinet shall deny the person so convicted a license for the same period of time as though he had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the cabinet shall forthwith cancel it.
The cabinet, upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied, or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation, or withdrawal for an additional like period.

The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a period of not less than five (5) years. Revocations or denials under this section shall not be subject to any lessening of penalties authorized under any other provision of this section or any other statute.

Except as provided in subsections (3), (4), (8), and (9) of this section, in all other cases, the revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six (6) months, except that if the same person has had one (1) previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial, or withdrawal shall be one (1) year. If the person has had more than one (1) previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial, or withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of the written recommendation of the court in which any person has been convicted of violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's license or fraudulent driver's license was the identification used or attempted to be used in the commission of the offense, who has had no previous conviction of said offense, the person's operator's license shall not be revoked, but the person's operator's license shall be restricted to any terms and conditions the secretary in his
discretion may require, provided the person has enrolled in an alcohol or substance
abuse education or treatment program as the cabinet shall require. If the person fails
to satisfactorily complete the education or treatment program or violates the
restrictions on his operator's license, the cabinet shall immediately revoke his
operator's license for a period of six (6) months.

(6) In order to secure the reinstatement of a license to operate a motor vehicle or
motorcycle restored following a period of suspension pursuant to KRS Chapter
189A, the person whose license is suspended shall comply with the fees and other
procedures of the Transportation Cabinet with regard to the reinstatement of
suspended licenses.

(7) The cabinet shall revoke the license of any operator of a motor vehicle upon
receiving notification that the person is under age eighteen (18) and has dropped out
of school or is academically deficient, as defined in KRS 159.051(1).

(8) A person under the age of eighteen (18) who is convicted of the offenses of
subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this
section, shall have his license revoked until he reaches the age of eighteen (18) or
shall have his license revoked as provided in this section, whichever penalty will
result in the longer period of revocation.

(9) A revocation or denial of a license or the withdrawal of the privilege of operating a
motor vehicle under this section due to a person being found incompetent to stand
trial shall extend until the person is found competent to stand trial or the criminal
case is dismissed.

Section 6. KRS 520.100 is amended to read as follows:

(1) A person is guilty of fleeing or evading police in the second degree when:

(a) As a pedestrian, and with intent to elude or flee, the person knowingly or
wantonly disobeys a direction to stop, given by a person recognized to be a
peace officer who has an articulable reasonable suspicion that a crime has
been committed by the person fleeing, and in fleeing or eluding the person is the cause of, or creates a substantial risk of, physical injury to any person; or

(b) While operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a recognized direction to stop his vehicle, given by a person recognized to be a peace officer.

(2) No offense is committed under this section when the conduct involved constitutes a failure to comply with a directive of a traffic control officer.

(3) Fleeing or evading police in the second degree is a Class A misdemeanor. In addition, the court shall suspend the driver's license of any person who is convicted of fleeing or evading the police in the second degree for a period of not less than thirty (30) days nor more than one (1) year. The court shall suspend the driver's license of any person under the age of eighteen (18) who is convicted of fleeing or evading police in the second degree until the person reaches the age of twenty-one (21).

➡️ Section 7. Section 1 of this Act may be cited as Jill's Law.

➡️ Section 8. Section 3 of this Act takes effect July 1, 2021.