

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

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

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

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

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

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

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

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

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

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

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

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

- 1 emergency equipment.
- 2 3. If the officer has a reasonable and articulable suspicion that the driver
- 3 or an occupant of the vehicle in which they are fleeing represent a
- 4 clear and present danger to the public safety;
- 5 4. Safety factors that pose a risk to peace officers, other motorists,
- 6 pedestrians, or other third parties;
- 7 5. Vehicular or pedestrian traffic safety and volume;
- 8 6. Weather and vehicle conditions;
- 9 7. Potential speeds of the pursuit; and
- 10 8. Consideration of whether the identity of an offender is known and
- 11 could be apprehended at a later time;
- 12 (c) Responsibilities of the pursuing peace officer or officers, including pursuit
- 13 tactics and when those tactics are appropriate for use by the officer or
- 14 officers;
- 15 (d) Procedures for designating the primary pursuit vehicle and for determining
- 16 the total number of vehicles that are permitted to participate at one (1) time
- 17 in the pursuit;
- 18 (e) Coordination of communications during the pursuit, including but not
- 19 limited to responsibilities of the pursuing officer to communicate with his or
- 20 her communications center at the commencement of a pursuit regarding
- 21 the location, direction of travel, reason for the pursuit, and ongoing status
- 22 reporting during the pursuit;
- 23 (f) A requirement that there is supervisory control of the pursuit, including the
- 24 responsibilities of command staff or other supervisors during the pursuit, if
- 25 a supervisor is available;
- 26 (g) The circumstances and conditions where the use of pursuit intervention
- 27 tactics, including but not limited to, blocking, ramming, boxing, and

1 roadblock procedures may be employed;

2 (h) Decision-making criteria or principles that are designed to assist peace
3 officers in making an on-going determination during the course of the
4 pursuit of whether to continue the pursuit or to terminate or discontinue it.

5 The criteria or principles may include, but shall not be limited to:

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

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

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

12 4. Vehicular or pedestrian traffic safety and volume;

13 5. Weather and vehicle conditions;

14 6. Speeds of the pursuit;

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

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

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

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

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

27 (4) Upon the initial adoption of the policy, a law enforcement agency shall cause a

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

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

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

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

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

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

26 (b) Restrict a law enforcement agency from adopting additional policy
27 requirements, including policies that limit or prohibit vehicular pursuits; or

1 (c) Create any civil liability upon peace officers, law enforcement agencies, or
 2 any public agency that has created or is responsible for the oversight of the
 3 law enforcement agency.

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

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

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

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

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

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

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

22 (1) Each unit of government that meets the following requirements shall be eligible to
 23 share in the distribution of funds from the Law Enforcement Foundation Program
 24 fund:

25 (a) Employs one (1) or more police officers;

26 (b) Pays every police officer at least the minimum federal wage;

27 (c) Requires all police officers to have, at a minimum, a high school degree, or its

1 equivalent as determined by the council, except that each police officer
2 employed prior to the date on which the officer's police department was
3 included as a participant under KRS 15.410 to 15.510 shall be deemed to have
4 met the requirements of this subsection;

- 5 (d) 1. Requires all police officers to successfully complete a basic training
6 course of nine hundred twenty-eight (928) hours' duration within one (1)
7 year of the date of employment at a school certified or recognized by the
8 council, which may provide a different number of hours of instruction as
9 established in this paragraph, except that each police officer employed
10 prior to the date on which the officer's police department was included
11 as a participant under KRS 15.410 to 15.510 shall be deemed to have
12 met the requirements of this subsection.
- 13 2. As the exclusive method by which the number of hours required for
14 basic training courses shall be modified from that which is specifically
15 established by this paragraph, the council may, by the promulgation of
16 administrative regulations in accordance with the provisions of KRS
17 Chapter 13A, explicitly set the exact number of hours for basic training
18 at a number different from nine hundred twenty-eight (928) hours based
19 upon a training curriculum approved by the Kentucky Law Enforcement
20 Council as determined by a validated job task analysis.
- 21 3. If the council sets an exact number of hours different from nine hundred
22 twenty-eight (928) in an administrative regulation as provided by this
23 paragraph, it shall not further change the number of hours required for
24 basic training without promulgating administrative regulations in
25 accordance with the provisions of KRS Chapter 13A.
- 26 4. Nothing in this paragraph shall be interpreted to prevent the council,
27 pursuant to its authority under KRS 15.330, from approving training

1 schools with a curriculum requiring attendance of a number of hours that
2 exceeds nine hundred twenty-eight (928) hours or the number of hours
3 established in an administrative regulation as provided by subparagraphs
4 2. and 3. of this paragraph. However, the training programs and schools
5 for the basic training of law enforcement personnel conducted by the
6 department pursuant to KRS 15A.070 shall not contain a curriculum that
7 requires attendance of a number of hours for basic training that is
8 different from nine hundred twenty-eight (928) hours or the number of
9 hours established in an administrative regulation promulgated by the
10 council pursuant to the provisions of KRS Chapter 13A as provided by
11 subparagraphs 2. and 3. of this paragraph.

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

16 a. Years of service credit as a law enforcement officer with previous
17 service in another state; and

18 b. Basic training completed in another state;

19 (e) Requires all police officers to successfully complete each calendar year an in-
20 service training course, appropriate to the officer's rank and responsibility and
21 the size and location of the officer's police department, of forty (40) hours'
22 duration, of which **eight (8) hours shall be in emergency vehicle operation**
23 ~~[the number of hours shall not be changed by the council]~~, at a school certified
24 or recognized by the council. **The number of hours required shall not be**
25 **changed by the council.** This **in-service training** requirement shall be waived
26 for the period of time that a peace officer is serving on active duty in the
27 United States Armed Forces. This waiver shall be retroactive for peace

1 officers from the date of September 11, 2001;

2 (f) Complies with all provisions of law applicable to police officers or police
3 departments, including transmission of data to the centralized criminal history
4 record information system as required by KRS 17.150 and transmission of
5 reports as required by KRS 15.391;

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

9 (h) Possesses a written policy and procedures manual related to domestic violence
10 for law enforcement agencies that has been approved by the cabinet. The
11 policy shall comply with the provisions of KRS 403.715 to 403.785. The
12 policy shall include a purpose statement; definitions; supervisory
13 responsibilities; procedures for twenty-four (24) hour access to protective
14 orders; procedures for enforcement of court orders or relief when protective
15 orders are violated; procedures for timely and contemporaneous reporting of
16 adult abuse and domestic violence to the Cabinet for Health and Family
17 Services, Department for Community Based Services; victim rights,
18 assistance, and service responsibilities; and duties related to timely completion
19 of records; and

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

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

27 2. A requirement that evidence received from a collecting facility relating

- 1 to an incident which occurred outside the jurisdiction of the police
2 department be transmitted to a police department with jurisdiction
3 within ten (10) days of its receipt by the police department;
- 4 3. A requirement that all evidence retrieved from a collecting facility under
5 this paragraph be transmitted to the Department of Kentucky State
6 Police forensic laboratory within thirty (30) days of its receipt by the
7 police department;
- 8 4. A requirement that a suspect standard, if available, be transmitted to the
9 Department of Kentucky State Police forensic laboratory with the
10 evidence received from a collecting facility; and
- 11 5. A process for notifying the victim from whom the evidence was
12 collected of the progress of the testing, whether the testing resulted in a
13 match to other DNA samples, and if the evidence is to be destroyed. The
14 policy may include provisions for delaying notice until a suspect is
15 apprehended or the office of the Commonwealth's attorney consents to
16 the notification, but shall not automatically require the disclosure of the
17 identity of any person to whom the evidence matched.
- 18 (2) A unit of government which meets the criteria of this section shall be eligible to
19 continue sharing in the distribution of funds from the Law Enforcement Foundation
20 Program fund only if the police department of the unit of government remains in
21 compliance with the requirements of this section.
- 22 (3) Deputies employed by a sheriff's office shall be eligible to participate in the
23 distribution of funds from the Law Enforcement Foundation Program fund
24 regardless of participation by the sheriff.
- 25 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
26 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
27 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a

1 criminal action.

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

- 3 (1) County judges/executive, justices of the peace, sheriffs, coroners, surveyors, jailers,
4 county attorneys, and constables may be indicted in the county in which they reside
5 for misfeasance or malfeasance in office, or willful neglect in the discharge of
6 official duties, and if convicted they shall be fined not less than one hundred (\$100)
7 nor more than one thousand dollars (\$1,000), and the judgment of conviction shall
8 declare the office held by such person vacant.
- 9 (2) Any sheriff, deputy sheriff, policeman, or other peace officer who fails to enforce
10 any provision of KRS Chapter 242 after receiving information of a violation
11 thereof, or having knowledge of a violation thereof and failing to act thereon, may
12 be indicted for nonfeasance or malfeasance in office, and if convicted shall be fined
13 not less than fifty (\$50) nor more than two hundred dollars (\$200), and the
14 judgment of conviction shall declare the office held by such person vacant.
- 15 (3) In the absence of good cause shown, a member of the fiscal court who fails to attend
16 fifty percent (50%) of the regular terms of the fiscal court within a six (6) month
17 period or who fails to attend two (2) consecutive terms of the fiscal court shall be
18 charged with neglect of office and upon conviction shall forfeit his office.

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

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

- 24 (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle
25 upon receiving record of his or her:
- 26 (a) Conviction of any of the following offenses:
- 27 1. Murder or manslaughter resulting from the operation of a motor vehicle;

- 1 2. Driving a vehicle which is not a motor vehicle while under the influence
- 2 of alcohol or any other substance which may impair one's driving ability;
- 3 3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640
- 4 or any law requiring the registration of motor vehicles or regulating their
- 5 operation on highways;
- 6 4. Any felony in the commission of which a motor vehicle is used;
- 7 5. Conviction or forfeiture of bail upon three (3) charges of reckless
- 8 driving within the preceding twelve (12) months;
- 9 6. Conviction of driving a motor vehicle involved in an accident and
- 10 failing to stop and disclose his identity at the scene of the accident;
- 11 7. Conviction of theft of a motor vehicle or any of its parts, including the
- 12 conviction of any person under the age of eighteen (18) years;
- 13 8. Failure to have in full force and effect the security required by Subtitle
- 14 39 of KRS Chapter 304 upon conviction of a second and each
- 15 subsequent offense within any five (5) year period;
- 16 9. Conviction for fraudulent use of a driver's license or use of a fraudulent
- 17 driver's license to purchase or attempt to purchase alcoholic beverages,
- 18 as defined in KRS 241.010, in violation of KRS 244.085(4); ~~and~~
- 19 10. Conviction of operating a motor vehicle, motorcycle, or moped without
- 20 an operator's license as required by KRS 186.410; and ~~or~~

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

- 22 (b) Being found incompetent to stand trial under KRS Chapter 504.
- 23 (2) If the person convicted of any offense named in subsection (1) of this section or
- 24 who is found incompetent to stand trial is not the holder of a license, the cabinet
- 25 shall deny the person so convicted a license for the same period of time as though
- 26 he had possessed a license which had been revoked. If through an inadvertence the
- 27 defendant should be issued a license, the cabinet shall forthwith cancel it.

- 1 (3) The cabinet, upon receiving a record of the conviction of any person upon a charge
2 of operating a motor vehicle while the license of that person is denied, or
3 suspended, or revoked, or while his privilege to operate a motor vehicle is
4 withdrawn, shall immediately extend the period of the first denial, suspension,
5 revocation, or withdrawal for an additional like period.
- 6 (4) The revocation or denial of a license or the withdrawal of the privilege of operating
7 a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a
8 period of not less than five (5) years. Revocations or denials under this section shall
9 not be subject to any lessening of penalties authorized under any other provision of
10 this section or any other statute.
- 11 (5) Except as provided in subsections (3), (4), (8), and (9) of this section, in all other
12 cases, the revocation or denial of a license or the withdrawal of the privilege of
13 operating a motor vehicle under this section shall be for a period of six (6) months,
14 except that if the same person has had one (1) previous conviction of any offense
15 enumerated in subsection (1) of this section, regardless of whether the person's
16 license was revoked because of the previous conviction, the period of the
17 revocation, denial, or withdrawal shall be one (1) year. If the person has had more
18 than one (1) previous conviction of the offenses considered collectively as
19 enumerated in subsection (1) of this section, regardless of whether the person's
20 license was revoked for any previous conviction, the period of revocation, denial, or
21 withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of the
22 written recommendation of the court in which any person has been convicted of
23 violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's
24 license or fraudulent driver's license was the identification used or attempted to be
25 used in the commission of the offense, who has had no previous conviction of said
26 offense, the person's operator's license shall not be revoked, but the person's
27 operator's license shall be restricted to any terms and conditions the secretary in his

1 discretion may require, provided the person has enrolled in an alcohol or substance
2 abuse education or treatment program as the cabinet shall require. If the person fails
3 to satisfactorily complete the education or treatment program or violates the
4 restrictions on his operator's license, the cabinet shall immediately revoke his
5 operator's license for a period of six (6) months.

6 (6) In order to secure the reinstatement of a license to operate a motor vehicle or
7 motorcycle restored following a period of suspension pursuant to KRS Chapter
8 189A, the person whose license is suspended shall comply with the fees and other
9 procedures of the Transportation Cabinet with regard to the reinstatement of
10 suspended licenses.

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

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

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

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

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

25 (a) As a pedestrian, and with intent to elude or flee, the person knowingly or
26 wantonly disobeys a direction to stop, given by a person recognized to be a
27 peace officer who has an articulable reasonable suspicion that a crime has

1 been committed by the person fleeing, and in fleeing or eluding the person is
2 the cause of, or creates a substantial risk of, physical injury to any person; or

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

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

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

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

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