

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2021 REGULAR SESSION
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Amend printed copy of **SB 80/GA**

On page 9, after line 2, insert the following:

"➔Section 5. KRS 15.420 is amended to read as follows:

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

- (1) "Cabinet" means the Justice and Public Safety Cabinet;
- (2) (a) "Police officer" means:
 - 1. A local officer, limited to:
 - a. A full-time:
 - i. Member of a lawfully organized police department of county, urban-county, or city government; or
 - ii. Sheriff or full-time deputy sheriff, including any sheriff providing court security or appointed under KRS 70.030; or
 - b. A school resource officer as defined in KRS 158.441; and
 - 2. A state officer, limited to:
 - a. A public university police officer;
 - b. A Kentucky state trooper;
 - c. A Kentucky State Police arson investigator;
 - d. A Kentucky State Police hazardous device investigator;
 - e. A Kentucky State Police legislative security specialist;

Amendment No. HFA 3

Rep. Rep. Nima Kulkarni

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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- f. A Kentucky vehicle enforcement officer;
 - g. A Kentucky Horse Park mounted patrol officer, subject to KRS 15.460(1)(f);
 - h. A Kentucky state park ranger, subject to KRS 15.460(1)(f);
 - i. An agriculture investigator;
 - j. A charitable gaming investigator;
 - k. An alcoholic beverage control investigator;
 - l. An insurance fraud investigator;
 - m. An Attorney General investigator; and
 - n. A Kentucky Department of Fish and Wildlife Resources conservation officer, subject to KRS 15.460(1)(e);
- who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state;
- (b) "Police officer" does not include 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;
 - (3) "Police department" means the employer of a police officer;
 - (4) "Retirement plan" means a defined benefit plan consisting of required employer contributions pursuant to KRS 61.565, 61.702, or any other provision of law;
 - (5) "Unit of government" means any city, county, combination of cities and counties, public university, state agency, local school district, or county sheriff's office of the Commonwealth;~~and~~
 - (6) "Validated job task analysis" means the core job description that describes the minimum

entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth, and that is based upon an actual survey and study of police officer duties and responsibilities conducted by an entity recognized by the council as being competent to conduct such a study; and

(7) "Deadly incident" means any use of deadly force by a police officer or an action taken in the line of duty by a police officer which results in death or serious physical injury to another person.

➔Section 6. 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.

6. 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. Completion of eight hundred forty-eight (848) hours of training at a school established pursuant to KRS 15A.070;
- b. A minimum of fifteen (15) years of experience as a certified law enforcement instructor at a school established pursuant to KRS 15A.070;
- c. Completion of an average of forty (40) hours of Kentucky Law Enforcement Council approved in-service training annually from January 1, 1997, through January 1, 2020;
- d. Completion of all mandatory training obligations under KRS 15.334 from January 1, 1997, to January 1, 2020;
- e. Three (3) years of active, full-time service as a:
 - i. City, county, urban-county, charter county, consolidated local, or unified local government police officer;
 - ii. Sheriff's deputy, excluding special deputies appointed under KRS 70.045;
 - iii. Department of Kentucky State Police officer; or

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- iv. Kentucky Department of Fish and Wildlife Resources conservation officer exercising peace officer powers under KRS 150.090; and
 - f. Completion of the:
 - i. Twenty-four (24) hour legal update Penal Code course;
 - ii. Sixteen (16) hour legal update constitutional procedure course; and
 - iii. Forty (40) hour basic officer skills course within one (1) year prior to applying for certification;
 - (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, at a school certified or recognized by the council which may include a four (4) hour course which meets the requirements of paragraph ~~(k)(j)~~ of this subsection. 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;

- (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

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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; ~~and~~

(j) Complies with and possesses by July 30, 2021, a written policy and procedures manual related to mandatory drug and alcohol testing of police officers after the discharge of a firearm or deadly incident which includes:

- 1. A requirement that each police officer who has discharged their firearm or been involved in a deadly incident submit to drug and alcohol testing;**
- 2. A requirement that drug and alcohol testing be performed as soon as practicable after the discharge of a firearm or deadly incident but no later than two (2) hours after the discharge of a firearm or deadly incident and before any interviews are conducted regarding the incident;**
- 3. A requirement that police officers who do not submit to mandatory drug and alcohol testing after the discharge of a firearm or deadly incident within two (2) hours:**
 - a. Be suspended without pay for a period of not less than ninety (90) days;**
 - b. Draft a written statement detailing the reasons the police officer did not submit to drug and alcohol testing within two (2) hours that shall become part of the law enforcement officer's personnel file; and**
 - c. Provide the written statement to the Law Enforcement Council.**
- 4. A requirement that police officers who test positive for either drugs or alcohol after the discharge of a firearm or deadly incident be suspended without pay for a period of not less than one hundred eighty (180) days; and**

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5. A requirement that the police department submit its final determination to the Law Enforcement Council regarding its disposition of the investigation; and

~~(k)(j)~~ Requires all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter, a training course certified by the council of not less than four (4) hours in emergency vehicle operation.

- (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 7. KRS 15.512 is amended to read as follows:

Each law enforcement agency or other employing agency whose officers are required to meet the training requirements of KRS ~~15.440(1)(k)~~~~[15.440(1)(j)]~~ shall retain a record of each of its officers having met the biennial training. These records shall be made available upon request to the Kentucky Law Enforcement Council and to the Justice and Public Safety Cabinet."