

1 AN ACT relating to officer training and making an appropriation.

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

3 ➔Section 1. KRS 15.460 is amended to read as follows:

4 (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of
5 government shall be entitled to receive an annual supplement of
6 ~~six~~~~[three]~~ thousand dollars (\$6,000)~~[\$3,000]~~ for each qualified police
7 officer it employs.~~[The supplement amount shall be increased to four~~
8 ~~thousand dollars (\$4,000) beginning July 1, 2018.]~~

9 (b) 1. In addition to the supplement, the unit of government shall receive an
10 amount equal to the required employer's contribution on the supplement
11 to the retirement plan and duty category to which the officer belongs. In
12 the case of County Employees Retirement System membership, the
13 retirement plan contribution on the supplement shall be paid whether the
14 officer enters the system under hazardous duty coverage or
15 nonhazardous coverage.

16 2. The unit of government shall pay the amount received for retirement
17 plan coverage to the appropriate retirement system to cover the required
18 employer contribution on the pay supplement.

19 3. If the foundation program funds are insufficient to pay employer
20 contributions to the system, then the total amount available for
21 retirement plan payments shall be prorated to each eligible government
22 so that each receives the same percentage of required retirement plan
23 costs attributable to the cash salary supplement.

24 (c) 1. In addition to the payments received under paragraphs (a) and (b) of this
25 subsection, but only if sufficient funds are available to make all
26 payments required under paragraph (b) of this subsection, each unit of
27 government shall receive an administrative expense reimbursement in an

1 amount equal to seven and sixty-five one-hundredths percent (7.65%) of
2 the total annual supplement received greater than four thousand six
3 hundred fifty dollars (\$4,650)~~three thousand one hundred dollars~~
4 ~~(\$3,100)~~ for each qualified police officer that is a local officer as
5 defined in KRS 15.420(2)(a)1. that it employs, subject to the cap
6 established by subparagraph 3. of this paragraph.

7 2. The unit of government may use the moneys received under this
8 paragraph in any manner it deems necessary to partially cover the costs
9 of administering the payments received under paragraph (a) of this
10 subsection.

11 3. The total amount distributed under this paragraph shall not exceed the
12 total sum of seven hundred eighty seven thousand five hundred dollars
13 (\$787,500)~~five hundred twenty five thousand dollars (\$525,000)~~ for
14 each fiscal year. If there are insufficient funds to provide for full
15 reimbursement as provided in subparagraph 1. of this paragraph, then
16 the amount shall be distributed pro rata to each eligible unit of
17 government so that each receives the same percentage attributable to its
18 total receipt of the cash salary supplement.

19 (d) In addition to the payments received under paragraphs (a) and (b) of this
20 subsection, each unit of government shall receive the associated fringe
21 benefits costs for the total supplement of six~~four~~ thousand dollars
22 (\$6,000)~~(\$4,000)~~ for each qualified police officer that is a state officer as
23 defined in KRS 15.420(2)(a)2. that it employs. Fringe benefits shall be limited
24 to retirement plan contributions and the federal insurance contributions act
25 tax.

26 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky
27 Department of Fish and Wildlife Resources conservation officer appointed

1 pursuant to KRS 150.090(2) and listed in KRS 15.420(2)(a)2.n. shall be a
2 participant in the Kentucky Law Enforcement Foundation Program fund, but
3 shall not receive an annual supplement from that fund. A conservation officer
4 shall receive an annual training stipend commensurate to the annual
5 supplement paid to the police officer as defined in KRS 15.420. The annual
6 training stipend disbursed to a conservation officer shall be paid from the
7 game and fish fund pursuant to KRS 150.150.

8 (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall
9 be deemed a police officer solely for the purpose of inclusion in the Law
10 Enforcement Foundation Program fund.

11 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
12 of government to each police officer whose qualifications resulted in receipt of a
13 supplemental payment. The payment shall be in addition to the police officer's
14 regular salary and, except as provided in subsection (4)(b) of this section, shall
15 continue to be paid to a police officer who is a member of:

16 (a) The Kentucky National Guard during any period of activation under Title 10
17 or 32 of the United States Code or KRS 38.030; or

18 (b) Any reserve component of the United States Armed Forces during any period
19 of activation with the United States Armed Forces.

20 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246
21 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.

22 (b) A qualified sheriff who does not receive the maximum salary allowed by
23 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
24 expense allowance provided by KRS 70.170, shall upon annual settlement
25 with the fiscal court under KRS 134.192, receive that portion of the
26 supplement that will not cause his or her compensation to exceed the
27 maximum salary.

- 1 (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of
2 the annual settlement prepared under KRS 134.192 to the fund. The sheriff
3 shall reimburse the fund if an audit of the annual settlement conducted
4 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
5 the supplement in violation of this section. A sheriff who fails to provide a
6 copy of the annual settlement to the fund or to reimburse the fund after
7 correction by audit, if required, shall not be qualified to participate in the fund
8 for a period of two (2) years.
- 9 (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the
10 sheriff administers his or her own budget or from the county treasurer if the
11 sheriff pools his or her fees. The failure of a sheriff to comply with the
12 provisions of this section shall not affect the qualification of his or her
13 deputies to participate in the fund.
- 14 (4) (a) Eligible units of government shall receive the salary supplement, excluding
15 funds applicable to the employer's retirement plan contribution, provided in
16 subsection (1) of this section for distribution to a police officer who is eligible
17 under subsection (2) of this section.
- 18 (b) A qualified police officer receiving a salary supplement during any period of
19 military activation, as provided in subsection (2) of this section, shall not be
20 entitled to receive the employer's retirement plan contribution, and the salary
21 supplement shall not be subjected to an employee's contribution to a
22 retirement plan. The salary supplement shall otherwise be taxable for all
23 purposes.
- 24 (5) A unit of government receiving disbursements under this section shall follow all
25 laws applicable to it that may govern due process disciplinary procedures for its
26 officers, but this subsection shall not be interpreted to:
- 27 (a) Authorize the department, the cabinet, or the council to investigate, judge, or

1 exercise any control or jurisdiction regarding the compliance of a unit of
2 government with laws that may govern due process disciplinary procedures
3 for its officers, except as otherwise provided by laws;

4 (b) Create a private right of action for any police officer regarding an agency's
5 participation in this section;

6 (c) Authorize a termination of an agency's participation as a result of a judgment
7 that the unit of government failed to follow its procedures in any independent
8 cause of action brought by the police officer against the unit of government; or

9 (d) Prevent the adoption, amendment, or repeal of any laws that may govern the
10 due process disciplinary procedures of a unit of government's police officers.

11 ➔Section 2. KRS 158.4414 is amended to read as follows:

12 (1) Local boards of education, school district superintendents, administrators of state-
13 controlled facilities, and local and state law enforcement agencies shall cooperate to
14 assign one (1) or more certified school resource officers to serve each campus
15 where one (1) or more school buildings are used to deliver instruction to students on
16 a continuous basis as funds and qualified personnel become available.

17 (2) Local boards of education utilizing a school resource officer employed by a law
18 enforcement agency or the Department of Kentucky State Police shall enter into a
19 memorandum of understanding with the law enforcement agency or the Department
20 of Kentucky State Police that specifically states the purpose of the school resource
21 officer program and clearly defines the roles and expectations of each party
22 involved in the program. The memorandum shall provide that the school resource
23 officer shall not be responsible for school discipline matters that are the
24 responsibility of school administrators or school employees.

25 (3) Local boards of education utilizing a school resource officer employed directly by
26 the local board of education shall adopt policies and procedures that specifically
27 state the purpose of the school resource officer program and clearly define the roles

- 1 and expectations of school resource officers and other school employees.
- 2 (4) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school
3 resource officer shall be armed with a firearm, notwithstanding any provision of
4 local board policy, local school council policy, or memorandum of agreement.
- 5 (5) On or before January 1, 2020, the Kentucky Law Enforcement Council, in
6 collaboration with the Center for School Safety, shall promulgate administrative
7 regulations in accordance with KRS Chapter 13A to establish three (3) levels of
8 training for certification of school resource officers first employed as a school
9 resource officer on or after March 11, 2019: School Resource Officer Training I
10 (SRO I), School Resource Officer Training II (SRO II), and School Resource
11 Officer Training III (SRO III). Each level shall consist of forty (40) hours of
12 training, with SRO I to be completed within one (1) year of the date of the officer's
13 employment and SRO II and SRO III within the subsequent two (2) years.
- 14 (6) Course curriculum for school resource officers employed on or after March 11,
15 2019, shall include but not be limited to:
- 16 (a) Foundations of school-based law enforcement;
17 (b) Threat assessment and response;
18 (c) Youth drug use and abuse;
19 (d) Social media and cyber security;
20 (e) School resource officers as teachers and mentors;
21 (f) Youth mental health awareness;
22 (g) Diversity and bias awareness training;
23 (h) Trauma-informed action;
24 (i) Understanding students with special needs; and
25 (j) De-escalation strategies.
- 26 (7) Effective January 1, 2020, all school resource officers with active school resource
27 officer certification status shall successfully complete forty (40) hours of annual in-

1 service training that has been certified or recognized by the Kentucky Law
2 Enforcement Council for school resource officers.

3 (8) In the event of extenuating circumstances beyond the control of an officer that
4 prevent the officer from completing the in-service training within one (1) year, the
5 commissioner of the Department of Criminal Justice Training or a designee may
6 grant the officer an extension of time, not to exceed one hundred eighty (180) days,
7 in which to complete the training.

8 (9) Any school resource officer who fails to successfully complete training
9 requirements within the specified time periods, including any approved time
10 extensions, shall lose his or her school resource officer certification and shall no
11 longer serve in the capacity of a school resource officer in a school.

12 (10) When a school resource officer is deficient in required training, the commissioner
13 of the Department of Criminal Justice Training or his or her designee shall notify
14 the council, which shall notify the officer and the officer's employing agency.

15 (11) A school resource officer who has lost school resource officer certification due
16 solely to the officer's failure to meet the training requirements of this section may
17 regain certification status as a school resource officer and may resume service in the
18 capacity of a school resource officer in a school setting upon successful completion
19 of the training deficiency.

20 (12) No later than November 1 of each year, the local school district superintendent shall
21 report to the Center for School Safety the number and placement of school resource
22 officers in the district. The report shall include the source of funding and method of
23 employment for each position.

24 **(13) (a) Any officer appointed under KRS 61.902 shall be certified pursuant to**
25 **Section 3 of this Act and shall be eligible to receive a supplemental payment**
26 **under Section 1 of this Act who:**

27 **1. Is employed by a school board as of January 1, 2021;**

1 2. Has not been designated as a school resource officer by the school
 2 board but has been assigned to the same or substantially similar
 3 functions as a school resource officer under subsection (3) of this
 4 section for a period of one (1) year or more prior to the effective date
 5 of this Act; and

6 3. Prior to January 1, 2021:

7 a. Has been certified under Section 3 of this Act;

8 b. Has received a supplemental payment under Section 1 of this
 9 Act;

10 c. Has not had his or her certification revoked under KRS 15.391;
 11 and

12 d. Is either maintaining an active certification status or inactive
 13 certification status under KRS 15.386.

14 (b) An officer meeting the criteria set out in paragraph (a) of this subsection
 15 shall be eligible for payment beginning on the effective date of this Act if
 16 the officer fulfils the requirements for peace officer certification and
 17 participation in the Kentucky Law Enforcement Foundation Program fund
 18 under KRS Chapter 15.

19 ➔Section 3. KRS 15.380 is amended to read as follows:

20 (1) The following officers employed or appointed as full-time, part-time, or auxiliary
 21 officers, whether paid or unpaid, shall be certified:

22 (a) Department of Kentucky State Police officers, but for the commissioner of the
 23 Department of Kentucky State Police;

24 (b) City, county, and urban-county police officers;

25 (c) Court security officers and deputy sheriffs, except those identified in KRS
 26 70.045 and 70.263(3);

27 (d) State or public university police officers appointed pursuant to KRS 164.950;

- 1 (e) School resource officers as defined in KRS 158.441 and employed or
2 appointed under KRS 158.4414, and officers appointed under KRS 61.902 as
3 set out in Section 2 of this Act;
- 4 (f) Airport safety and security officers appointed under KRS 183.880;
- 5 (g) Department of Alcoholic Beverage Control investigators appointed under
6 KRS 241.090;
- 7 (h) Division of Insurance Fraud Investigation investigators appointed under KRS
8 304.47-040;
- 9 (i) Fire investigators appointed or employed under KRS 95A.100 or 227.220; and
- 10 (j) County detectives appointed in accordance with KRS 69.360 after July 1,
11 2019.
- 12 (2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state
13 peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be
14 incorporated by the Personnel Cabinet for job specifications.
- 15 (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 for
16 all peace officers possessing arrest powers who have specialized law enforcement
17 responsibilities shall be the responsibility of the employing agency.
- 18 (4) The following officers may, upon request of the employing agency, be certified by
19 the council:
- 20 (a) Deputy coroners;
- 21 (b) Deputy constables;
- 22 (c) Deputy jailers;
- 23 (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
- 24 (e) Officers appointed under KRS 61.360;
- 25 (f) Officers appointed under KRS 61.902, except those who are school resource
26 officers as defined in KRS 158.441 and who shall be certified under
27 subsection (1)(e) of this section, and except those officers appointed under

1 **KRS 61.902 and who shall be certified under subsection (13) of Section 2 of**
2 **this Act and subsection (1)(e) of this section;**

- 3 (g) Private security officers;
- 4 (h) Employees of a correctional services division created pursuant to KRS
5 67A.028 and employees of a metropolitan correctional services department
6 created pursuant to KRS 67B.010 to 67B.080; and
- 7 (i) Investigators employed by the Department of Charitable Gaming in
8 accordance with KRS 238.510; and
- 9 (j) Commonwealth detectives employed under KRS 69.110 and county detectives
10 employed under KRS 69.360.
- 11 (5) The following officers shall be exempted from the certification requirements but
12 may upon their request be certified by the council:
- 13 (a) Sheriffs;
- 14 (b) Coroners;
- 15 (c) Constables;
- 16 (d) Jailers;
- 17 (e) Kentucky Horse Racing Commission security officers employed under KRS
18 230.240; and
- 19 (f) Commissioner of the State Police.
- 20 (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404.
- 21 (7) Local alcoholic beverage control investigators appointed under KRS Chapter 241
22 on or after April 1, 2019, shall be certified by the council if all minimum standards
23 set forth in KRS 15.380 to 15.404 have been met. Local alcoholic beverage control
24 investigators appointed under KRS Chapter 241 before April 1, 2019, shall be
25 exempt from this requirement.
- 26 ➔Section 4. This Act takes effect July 1, 2021.