

1 AN ACT relating to the revocation of peace officer certification.

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

3 ➔Section 1. KRS 15.391 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Agency" means any law enforcement agency, or other unit of government
6 listed in KRS 15.380, that employs a certified peace officer;

7 (b) "Final order" has the same meaning as in KRS 13B.010;

8 (c) "General employment policy" means a rule, regulation, policy, or procedure
9 commonly applicable to the general workforce or civilian employees that is
10 not unique to law enforcement activities or the exercise of peace officer
11 authority, regardless of whether the rule, regulation, policy, or procedure
12 exists or appears in a manual or handbook that is solely applicable to a law
13 enforcement department or agency within the unit of government employing
14 the officer;

15 (d) "Professional malfeasance" means engaging in an act in one's professional
16 capacity as a peace officer that violates a federal, state, or local law or
17 regulation;

18 (e) "Professional nonfeasance" means a failure to perform one's professional duty
19 as a peace officer through omission or inaction that violates a federal, state, or
20 local law or regulation; and

21 (f) "Regulation" means:

22 1. A federal or state administrative regulation adopted by a federal or state
23 executive branch; and

24 2. A local rule, regulation, policy, or procedure adopted by ordinance,
25 order, or resolution, or other official action by an agency. However,
26 "regulation" does not mean a general employment policy.

27 (2) (a) The certification of a peace officer shall be revoked by the council for one (1)

1 or more of the following:

- 2 1. Certification that was the result of an administrative error;
- 3 2. Plea of guilty to, conviction of, or entering of an Alford plea to any:
 - 4 **a.** Felony; **or**
 - 5 **b.** **Misdemeanor:**
 - 6 **i.** **Under KRS Chapter 507, 508, 509, or 510, when the victim**
 - 7 **was a family member, a member of an unmarried couple,**
 - 8 **or in a dating relationship with the peace officer. As used**
 - 9 **in this subpart, "family member" and "member of an**
 - 10 **unmarried couple" have the same meaning as in KRS**
 - 11 **403.720 and "dating relationship" has the same meaning**
 - 12 **as in KRS 456.010; or**
 - 13 **ii.** **Under KRS 403.763 or 456.180;**
- 14 3. Prohibition by federal or state law from possessing a firearm; or
- 15 4. Receipt of a dishonorable discharge or bad conduct discharge from any
- 16 branch of the Armed Forces of the United States.

17 (b) A peace officer whose certification is revoked pursuant to paragraph (a) of
 18 this subsection may file an appeal with the council. If an appeal is filed, the
 19 council shall conduct an administrative hearing pursuant to KRS Chapter 13B
 20 to consider the reinstatement of the peace officer's certification if the
 21 revocation was made in error or the condition requiring revocation was
 22 removed or remedied.

23 (3) (a) The certification of a peace officer may be revoked by the council for one (1)
 24 or more of the following:

- 25 1. Termination of the peace officer for willful falsification of information
- 26 to obtain or maintain certified status;
- 27 2. Termination of the peace officer for failure to meet or maintain training

- 1 requirements, unless the certification is in inactive status. As used in this
 2 subparagraph, "inactive status" has the same meaning as in KRS 15.386;
- 3 3. Termination of the peace officer for professional malfeasance or
 4 professional nonfeasance by his or her agency;
- 5 4. Resignation or retirement of the peace officer while he or she is under
 6 criminal investigation or administrative investigation for professional
 7 malfeasance or professional nonfeasance that, in the judgment of the
 8 agency that employed the peace officer, would have likely resulted in the
 9 termination of that peace officer had it been substantiated prior to his or
 10 her resignation or retirement;~~[-or]~~
- 11 5. Receipt of general discharge under other than honorable conditions from
 12 any branch of the Armed Forces of the United States that results in the
 13 termination of the peace officer from his or her agency; or
- 14 6. Issuance of a domestic violence order pursuant to KRS 403.740 or an
 15 interpersonal protective order pursuant to KRS 456.060 that restrains
 16 the peace officer as the adverse party.
- 17 (b) The council shall review any allegations or reports of paragraph (a)1. to ~~6.~~~~[5.]~~
 18 of this subsection to determine whether the allegation or report warrants the
 19 initiation of proceedings to revoke a peace officer's certification. If the council
 20 determines to initiate proceedings to revoke a peace officer's certification
 21 based on the allegation or report, the administrative hearing shall be
 22 conducted pursuant to KRS Chapter 13B.
- 23 (4) A peace officer may appeal a final order issued by the council denying
 24 reinstatement of his or her certification pursuant to subsection (2) of this section or
 25 revoking his or her certification pursuant to subsection (3) of this section as
 26 provided in KRS 13B.140.
- 27 (5) (a) An agency:

- 1 1. That has knowledge of a peace officer in its employment who meets any
2 of the revocation conditions outlined in subsection (2) of this section or
3 in subsection (3)(a)6. of this section shall report that condition to the
4 council within fifteen (15) days of gaining knowledge;
- 5 2. That terminated a peace officer for any of the revocation conditions
6 outlined in subsection (3)(a)1., 2., 3., or 5. of this section shall report
7 that condition to the council within fifteen (15) days of the termination;
8 and
- 9 3. That would have likely terminated a peace officer for the revocation
10 condition outlined in subsection (3)(a)4. of this section shall report that
11 condition to the council within fifteen (15) days of the peace officer's
12 resignation or retirement. If an agency reports pursuant to this
13 subparagraph, the agency shall notify the peace officer that a report has
14 been made.
- 15 (b) If an agency fails to make a report required by this subsection, the council may
16 suspend the agency from participation in the Kentucky Law Enforcement
17 Foundation Program fund. However, the time that an agency may be
18 suspended by the council under this paragraph shall not exceed five (5) years.
- 19 (6) The council may promulgate administrative regulations in accordance with KRS
20 Chapter 13A to implement this section.