

1 AN ACT relating to supplemental payments to police officers.

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

3 ➔Section 1. KRS 15.420 is amended to read as follows:

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

5 (1) "Cabinet" means the Justice and Public Safety Cabinet;

6 (2) (a) "Police officer" means:

7 1. A local officer, limited to:

8 a. A full-time:

9 i. Member of a lawfully organized police department of county,
10 urban-county, or city government; or

11 ii. Sheriff or full-time deputy sheriff, including any sheriff
12 providing court security or appointed under KRS 70.030;~~or~~

13 b. A school resource officer as defined in KRS 158.441; ~~or~~~~and~~

14 **c. *One (1) of the following who is otherwise eligible for an annual***
15 ***supplement established in accordance with KRS 15.460, but who***
16 ***does not receive one:***

17 **i. *An officer serving on a joint task force;***

18 **ii. *An investigator employed by a county attorney in a***
19 ***consolidated local government;***

20 **iii. *An investigator employed by a county attorney;***

21 **iv. *A process server for juvenile courts within a consolidated***
22 ***local government; and***

23 **v. *A local alcoholic beverage control investigator appointed***
24 ***pursuant to KRS Chapter 241; and***

25 2. A state officer, limited to:

26 a. A public university police officer;

27 b. A Kentucky state trooper;

- 1 c. A Kentucky State Police arson investigator;
- 2 d. A Kentucky State Police hazardous device investigator;
- 3 e. A Kentucky State Police legislative security specialist;
- 4 f. A Kentucky vehicle enforcement officer;
- 5 g. A Kentucky Horse Park mounted patrol officer, subject to KRS
- 6 15.460(1)(f);
- 7 h. A Kentucky state park ranger, subject to KRS 15.460(1)(f);
- 8 i. An agriculture investigator;
- 9 j. A charitable gaming investigator;
- 10 k. An alcoholic beverage control investigator;
- 11 l. An insurance fraud investigator;
- 12 m. An Attorney General investigator;~~and~~
- 13 n. A Kentucky Department of Fish and Wildlife Resources
- 14 conservation officer, subject to KRS 15.460(1)(e); **and**
- 15 **o. Any investigator for a Commonwealth's attorney who would**
- 16 **otherwise be eligible for a supplement established in accordance**
- 17 **with KRS 15.460, but who does not receive one;**
- 18 who is responsible for the prevention and detection of crime and the
- 19 enforcement of the general criminal laws of the state;
- 20 (b) "Police officer" does not include any sheriff who earns the maximum
- 21 constitutional salary for this office, any special deputy sheriff appointed under
- 22 KRS 70.045, any constable, deputy constable, district detective, deputy district
- 23 detective, special local peace officer, auxiliary police officer, or any other
- 24 peace officer not specifically authorized in KRS 15.410 to 15.510;
- 25 (3) "Police department" means the employer of a police officer;
- 26 (4) "Retirement plan" means a defined benefit plan consisting of required employer
- 27 contributions pursuant to KRS 61.565, 61.702, or any other provision of law;

1 (5) "Unit of government" means any city, county, combination of cities and counties,
2 public university, state agency, local school district, or county sheriff's office of the
3 Commonwealth; and

4 (6) "Validated job task analysis" means the core job description that describes the
5 minimum entry level requirements, qualifications, and training requirements for
6 peace officers in the Commonwealth, and that is based upon an actual survey and
7 study of police officer duties and responsibilities conducted by an entity recognized
8 by the council as being competent to conduct such a study.

9 ➔Section 2. KRS 15.440 is amended to read as follows:

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

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

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

15 (c) Requires all police officers to have, at a minimum, a high school degree, or its
16 equivalent as determined by the council, except that each police officer
17 employed prior to the date on which the officer's police department was
18 included as a participant under KRS 15.410 to 15.510 shall be deemed to have
19 met the requirements of this subsection;

20 (d) 1. Requires all police officers to successfully complete a basic training
21 course of nine hundred twenty-eight (928) hours' duration within one (1)
22 year of the date of employment at a school certified or recognized by the
23 council, which may provide a different number of hours of instruction as
24 established in this paragraph, except that each police officer employed
25 prior to the date on which the officer's police department was included
26 as a participant under KRS 15.410 to 15.510 shall be deemed to have
27 met the requirements of this subsection.

- 1 2. As the exclusive method by which the number of hours required for
2 basic training courses shall be modified from that which is specifically
3 established by this paragraph, the council may, by the promulgation of
4 administrative regulations in accordance with the provisions of KRS
5 Chapter 13A, explicitly set the exact number of hours for basic training
6 at a number different from nine hundred twenty-eight (928) hours based
7 upon a training curriculum approved by the Kentucky Law Enforcement
8 Council as determined by a validated job task analysis.
- 9 3. If the council sets an exact number of hours different from nine hundred
10 twenty-eight (928) in an administrative regulation as provided by this
11 paragraph, it shall not further change the number of hours required for
12 basic training without promulgating administrative regulations in
13 accordance with the provisions of KRS Chapter 13A.
- 14 4. Nothing in this paragraph shall be interpreted to prevent the council,
15 pursuant to its authority under KRS 15.330, from approving training
16 schools with a curriculum requiring attendance of a number of hours that
17 exceeds nine hundred twenty-eight (928) hours or the number of hours
18 established in an administrative regulation as provided by subparagraphs
19 2. and 3. of this paragraph. However, the training programs and schools
20 for the basic training of law enforcement personnel conducted by the
21 department pursuant to KRS 15A.070 shall not contain a curriculum that
22 requires attendance of a number of hours for basic training that is
23 different from nine hundred twenty-eight (928) hours or the number of
24 hours established in an administrative regulation promulgated by the
25 council pursuant to the provisions of KRS Chapter 13A as provided by
26 subparagraphs 2. and 3. of this paragraph.
- 27 5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph

- 1 to the contrary notwithstanding, the council may, through the
2 promulgation of administrative regulations in accordance with KRS
3 Chapter 13A, approve basic training credit for:
- 4 a. Years of service credit as a law enforcement officer with previous
5 service in another state; and
 - 6 b. Basic training completed in another state.
- 7 6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph
8 to the contrary notwithstanding, the council may, through the
9 promulgation of administrative regulations in accordance with KRS
10 Chapter 13A, approve basic training credit for:
- 11 a. Completion of eight hundred forty-eight (848) hours of training at
12 a school established pursuant to KRS 15A.070;
 - 13 b. A minimum of fifteen (15) years of experience as a certified law
14 enforcement instructor at a school established pursuant to KRS
15 15A.070;
 - 16 c. Completion of an average of forty (40) hours of Kentucky Law
17 Enforcement Council approved in-service training annually from
18 January 1, 1997, through January 1, 2020;
 - 19 d. Three (3) years of active, full-time service as a:
 - 20 i. City, county, urban-county, charter county, consolidated
21 local, or unified local government police officer;
 - 22 ii. Sheriff's deputy, excluding special deputies appointed under
23 KRS 70.045;
 - 24 iii. Department of Kentucky State Police officer; or
 - 25 iv. Kentucky Department of Fish and Wildlife Resources
26 conservation officer exercising peace officer powers under
27 KRS 150.090; and

- 1 e. Completion of the:
- 2 i. Twenty-four (24) hour legal update Penal Code course;
- 3 ii. Sixteen (16) hour legal update constitutional procedure
- 4 course; and
- 5 iii. Forty (40) hour basic officer skills course within one (1) year
- 6 prior to applying for certification;
- 7 (e) Requires all police officers to successfully complete each calendar year an in-
- 8 service training course, appropriate to the officer's rank and responsibility and
- 9 the size and location of the officer's police department, of forty (40) hours'
- 10 duration, at a school certified or recognized by the council which may include
- 11 a four (4) hour course which meets the requirements of paragraph (j) of this
- 12 subsection. This in-service training requirement shall be waived for the period
- 13 of time that a peace officer is serving on active duty in the United States
- 14 Armed Forces. This waiver shall be retroactive for peace officers from the
- 15 date of September 11, 2001;
- 16 (f) Complies with all provisions of law applicable to police officers or police
- 17 departments, including transmission of data to the centralized criminal history
- 18 record information system as required by KRS 17.150 and transmission of
- 19 reports as required by KRS 15.391;
- 20 (g) Complies with all rules and regulations, appropriate to the size and location of
- 21 the police department issued by the cabinet to facilitate the administration of
- 22 the fund and further the purposes of KRS 15.410 to 15.510;
- 23 (h) Possesses a written policy and procedures manual related to domestic violence
- 24 for law enforcement agencies that has been approved by the cabinet. The
- 25 policy shall comply with the provisions of KRS 403.715 to 403.785. The
- 26 policy shall include a purpose statement; definitions; supervisory
- 27 responsibilities; procedures for twenty-four (24) hour access to protective

1 orders; procedures for enforcement of court orders or relief when protective
2 orders are violated; procedures for timely and contemporaneous reporting of
3 adult abuse and domestic violence to the Cabinet for Health and Family
4 Services, Department for Community Based Services; victim rights,
5 assistance, and service responsibilities; and duties related to timely completion
6 of records;

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

- 10 1. A requirement that evidence collected as a result of an examination
11 performed under KRS 216B.400 be taken into custody within five (5)
12 days of notice from the collecting facility that the evidence is available
13 for retrieval;
- 14 2. A requirement that evidence received from a collecting facility relating
15 to an incident which occurred outside the jurisdiction of the police
16 department be transmitted to a police department with jurisdiction
17 within ten (10) days of its receipt by the police department;
- 18 3. A requirement that all evidence retrieved from a collecting facility under
19 this paragraph be transmitted to the Department of Kentucky State
20 Police forensic laboratory within thirty (30) days of its receipt by the
21 police department;
- 22 4. A requirement that a suspect standard, if available, be transmitted to the
23 Department of Kentucky State Police forensic laboratory with the
24 evidence received from a collecting facility; and
- 25 5. A process for notifying the victim from whom the evidence was
26 collected of the progress of the testing, whether the testing resulted in a
27 match to other DNA samples, and if the evidence is to be destroyed. The

1 policy may include provisions for delaying notice until a suspect is
2 apprehended or the office of the Commonwealth's attorney consents to
3 the notification, but shall not automatically require the disclosure of the
4 identity of any person to whom the evidence matched; and

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

8 **(2) Any task force, agency, or department employing officers subject to subsection**
9 **(2)(a)1.c. of Section 1 of this Act shall be reimbursed for the Federal Insurance**
10 **Contributions Act tax and retirement plan contributions that the employers are**
11 **required to make to defined benefit pension plans.**

12 **(3) Any Commonwealth's attorney employing officers subject to subsection (2)(a)2.**
13 **of Section 1 of this Act shall be reimbursed for the Federal Insurance**
14 **Contributions Act tax and retirement plan contributions that the employers are**
15 **required to make to defined benefit pension plans.**

16 ~~(4)(2)~~ A unit of government which meets the criteria of this section shall be eligible
17 to continue sharing in the distribution of funds from the Law Enforcement
18 Foundation Program fund only if the police department of the unit of government
19 remains in compliance with the requirements of this section.

20 ~~(5)(3)~~ Deputies employed by a sheriff's office shall be eligible to participate in the
21 distribution of funds from the Law Enforcement Foundation Program fund
22 regardless of participation by the sheriff.

23 ~~(6)(4)~~ Failure to meet a deadline established in a policy adopted pursuant to
24 subsection (1)(i) of this section for the retrieval or submission of evidence shall not
25 be a basis for a dismissal of a criminal action or a bar to the admissibility of the
26 evidence in a criminal action.