

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; and***

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

23 2. A state officer, limited to:

24 a. A public university police officer;

25 b. A Kentucky state trooper;

26 c. A Kentucky State Police arson investigator;

27 d. A Kentucky State Police hazardous device investigator;

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

1 Commonwealth; and

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

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

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

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

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

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

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

26 2. As the exclusive method by which the number of hours required for
27 basic training courses shall be modified from that which is specifically

1 established by this paragraph, the council may, by the promulgation of
2 administrative regulations in accordance with the provisions of KRS
3 Chapter 13A, explicitly set the exact number of hours for basic training
4 at a number different from nine hundred twenty-eight (928) hours based
5 upon a training curriculum approved by the Kentucky Law Enforcement
6 Council as determined by a validated job task analysis.

7 3. If the council sets an exact number of hours different from nine hundred
8 twenty-eight (928) in an administrative regulation as provided by this
9 paragraph, it shall not further change the number of hours required for
10 basic training without promulgating administrative regulations in
11 accordance with the provisions of KRS Chapter 13A.

12 4. Nothing in this paragraph shall be interpreted to prevent the council,
13 pursuant to its authority under KRS 15.330, from approving training
14 schools with a curriculum requiring attendance of a number of hours that
15 exceeds nine hundred twenty-eight (928) hours or the number of hours
16 established in an administrative regulation as provided by subparagraphs
17 2. and 3. of this paragraph. However, the training programs and schools
18 for the basic training of law enforcement personnel conducted by the
19 department pursuant to KRS 15A.070 shall not contain a curriculum that
20 requires attendance of a number of hours for basic training that is
21 different from nine hundred twenty-eight (928) hours or the number of
22 hours established in an administrative regulation promulgated by the
23 council pursuant to the provisions of KRS Chapter 13A as provided by
24 subparagraphs 2. and 3. of this paragraph.

25 5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph
26 to the contrary notwithstanding, the council may, through the
27 promulgation of administrative regulations in accordance with KRS

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

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

1 adult abuse and domestic violence to the Cabinet for Health and Family
2 Services, Department for Community Based Services; victim rights,
3 assistance, and service responsibilities; and duties related to timely completion
4 of records;

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

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

1 the notification, but shall not automatically require the disclosure of the
2 identity of any person to whom the evidence matched; and

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

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

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

14 ~~(4)(2)~~ A unit of government which meets the criteria of this section shall be eligible
15 to continue sharing in the distribution of funds from the Law Enforcement
16 Foundation Program fund only if the police department of the unit of government
17 remains in compliance with the requirements of this section.

18 ~~(5)(3)~~ Deputies employed by a sheriff's office shall be eligible to participate in the
19 distribution of funds from the Law Enforcement Foundation Program fund
20 regardless of participation by the sheriff.

21 ~~(6)(4)~~ Failure to meet a deadline established in a policy adopted pursuant to
22 subsection (1)(i) of this section for the retrieval or submission of evidence shall not
23 be a basis for a dismissal of a criminal action or a bar to the admissibility of the
24 evidence in a criminal action.