

1 AN ACT relating to the Kentucky State Police.

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

3 ➔Section 1. KRS 15A.020 is amended to read as follows:

4 (1) The Justice and Public Safety Cabinet shall have the following departments:

5 (a) Department of Corrections;

6 (b) Department of Criminal Justice Training, which shall have the following  
7 divisions:

8 1. Training Operations Division; and

9 2. Administrative Division;

10 (c) Department of Juvenile Justice, which shall have the following offices:

11 1. Office of Program Operations, which shall have the following divisions:

12 a. Division of Western Region;

13 b. Division of Eastern Region; and

14 c. Division of Placement Services;

15 2. Office of Support Services, which shall have the following divisions:

16 a. Division of Administrative Services;

17 b. Division of Program Services; and

18 c. Division of Medical Services; and

19 3. Office of Community and Mental Health Services, which shall have the  
20 following divisions:

21 a. Division of Professional Development; and

22 b. Division of Community and Mental Health Services;

23 (d) Department of Kentucky State Police, which shall have the following offices  
24 and divisions:

25 1. Office of Administrative Services, which shall be headed by an  
26 executive director who shall be appointed by the commissioner of the  
27 Department of Kentucky State Police and who shall report to the

- 1 commissioner;
- 2 a. Division of Operational Support, which shall be headed by a
- 3 director who shall be appointed by the commissioner of the
- 4 Department of Kentucky State Police and who shall report to the
- 5 executive director of the Office of Administrative Services; and
- 6 b. Division of Management Services, which shall be headed by a
- 7 director who shall be appointed by the commissioner of the
- 8 Department of Kentucky State Police and who shall report to the
- 9 executive director of the Office of Administrative Services;
- 10 2. Office of Operations, which shall be headed by an executive director
- 11 who shall be appointed by the commissioner of the Department of
- 12 Kentucky State Police and who shall report to the commissioner;
- 13 a. Division of West Troops, which shall be headed by a director who
- 14 shall be appointed by the commissioner of the Department of
- 15 Kentucky State Police and who shall report to the executive
- 16 director of the Office of Operations;
- 17 b. Division of East Troops, which shall be headed by a director who
- 18 shall be appointed by the commissioner of the Department of
- 19 Kentucky State Police and who shall report to the executive
- 20 director of the Office of Operations;
- 21 c. Division of Special Enforcement, which shall be headed by a
- 22 director who shall be appointed by the commissioner of the
- 23 Department of Kentucky State Police and who shall report to the
- 24 executive director of the Office of Operations; and
- 25 d. Division of Commercial Vehicle Enforcement, which shall be
- 26 headed by a director who shall be appointed by the commissioner
- 27 of the Department of Kentucky State Police and who shall report

- 1 to the executive director of the Office of Operations; and
- 2 3. Office of Technical Services, which shall be headed by an executive
- 3 director who shall be appointed by the commissioner of the Department
- 4 of Kentucky State Police and who shall report to the commissioner;
- 5 a. Division of Forensic Services, which shall be headed by a director
- 6 who shall have a minimum of a bachelor's degree in a natural
- 7 science and at least seven (7) years of experience in an accredited
- 8 forensic laboratory, who shall be appointed by the commissioner
- 9 of the Department of Kentucky State Police, and who shall report
- 10 to the executive director of the Office of Technical Services; and
- 11 b. Division of Information Technology, which shall be headed by a
- 12 director who shall be appointed by the commissioner of the
- 13 Department of Kentucky State Police and who shall report to the
- 14 executive director of the Office of Technical Services; and
- 15 (e) Department of Public Advocacy, which shall have the following divisions:
- 16 1. Protection and Advocacy Division;
- 17 2. Division of Law Operations;
- 18 3. Division of Trial Services;
- 19 4. Division of Post-Trial Services; and
- 20 5. Division of Conflict Services.
- 21 (2) (a) Each department, except for the Department of Public Advocacy ***and the***
- 22 ***Department of Kentucky State Police***, shall be headed by a commissioner
- 23 who shall be appointed by the secretary of the Justice and Public Safety
- 24 Cabinet with the approval of the Governor as required by KRS 12.040. Each
- 25 commissioner shall be directly responsible to the secretary and shall have such
- 26 functions, powers, and duties as provided by law and as the secretary may
- 27 prescribe.

1       **(b)** The Department of Public Advocacy shall be headed by the public advocate,  
2       appointed as required by KRS 31.020, who shall be directly responsible to the  
3       Public Advocacy Commission. The Department of Public Advocacy is an  
4       independent state agency which shall be attached to the Justice and Public  
5       Safety Cabinet for administrative purposes only. The Justice and Public Safety  
6       Cabinet shall not have control over the Department of Public Advocacy's  
7       information technology equipment and use unless granted access by court  
8       order.

9       **(c) The Department of Kentucky State Police shall be headed by a**  
10       **commissioner appointed in accordance with Section 3 of this Act, who shall**  
11       **be directly responsible to the Kentucky State Police Commission. The**  
12       **Department of Kentucky State Police is an independent state agency which**  
13       **shall be attached to the Justice and Public Safety Cabinet for administrative**  
14       **purposes only. The Justice and Public Safety Cabinet shall not have control**  
15       **over the Department of Kentucky State Police's information technology**  
16       **equipment and use unless granted access by court order.**

17       (3) The Justice and Public Safety Cabinet shall have the following offices and  
18       divisions:

19       (a) Office of the Secretary, which shall be headed by a deputy secretary appointed  
20       pursuant to KRS 12.050 and responsible for the direct administrative support  
21       for the secretary and other duties as assigned by the secretary, and which, with  
22       the approval of the secretary, may employ such staff as necessary to perform  
23       the duties, functions, and responsibilities of the office;

24       (b) Office of Human Resource Management, which shall be headed by an  
25       executive director appointed pursuant to KRS 12.050 who shall be responsible  
26       to and report to the secretary and be responsible for all matters relating to  
27       human resources, and who, with the approval of the secretary, may employ

1 such staff as necessary to perform the duties, functions, and responsibilities of  
2 the office;

3 1. Division of Human Resource Administration, which shall be headed by  
4 a director appointed pursuant to KRS 12.050 who shall report to the  
5 executive director of the Office of Human Resource Management; and

6 2. Division of Employee Management, which shall be headed by a director  
7 appointed pursuant to KRS 12.050 who shall report to the executive  
8 director of the Office of Human Resource Management;

9 (c) Office of Legal Services, which shall be headed by an executive director  
10 appointed pursuant to KRS 12.050 and 12.210, that:

11 1. Shall provide legal representation and services for the cabinet; and

12 2. May investigate all complaints regarding the facilities, staff, treatment of  
13 juveniles, and other matters relating to the operation of the Justice and  
14 Public Safety Cabinet. If it appears that there is a violation of statutes,  
15 administrative regulations, policies, court decisions, the rights of  
16 juveniles who are subject to the orders of the department, or any other  
17 matter relating to the Justice and Public Safety Cabinet, the office shall  
18 report to the secretary of the Justice and Public Safety Cabinet who  
19 shall, if required, refer the matter to a law enforcement agency,  
20 Commonwealth's attorney, county attorney, the Attorney General, or  
21 federal agencies, as appropriate. The office may be used to investigate  
22 matters in which there is a suspicion of violation of written policy,  
23 administrative regulation, or statutory law within the Department of  
24 Public Advocacy only when the investigation will have no prejudicial  
25 impact upon a person who has an existing attorney-client relationship  
26 with the Department of Public Advocacy. Notwithstanding the  
27 provisions of this subparagraph, investigation and discipline of KRS

1 Chapter 16 personnel shall continue to be conducted by the Department  
2 of Kentucky State Police pursuant to KRS Chapter 16. The office shall  
3 conduct no other investigations under the authority granted in this  
4 subparagraph. The secretary may, by administrative order, assign the  
5 investigative functions in this subparagraph to a branch within the  
6 office.

7 The executive director shall be directly responsible to and report to the  
8 secretary and, with the approval of the secretary, may employ such attorneys  
9 appointed pursuant to KRS 12.210 and other staff as necessary to perform the  
10 duties, functions, and responsibilities of the office;

11 (d) Office of Legislative and Intergovernmental Services, which shall be headed  
12 by an executive director appointed pursuant to KRS 12.050 who shall be  
13 responsible for all matters relating to the provision of support to the Criminal  
14 Justice Council, legislative liaison services, and functions and duties vested in  
15 the Criminal Justice Council as described in KRS 15A.030. The executive  
16 director shall be directly responsible to and report to the secretary and may  
17 employ such staff as necessary to perform the duties, functions, and  
18 responsibilities of the office;

19 (e) Office of Communications, which shall be headed by an executive director  
20 appointed by the secretary of the Justice and Public Safety Cabinet pursuant to  
21 KRS 12.050 who shall be responsible to report to the secretary and be  
22 responsible for all matters relating to communications, and who, with the  
23 approval of the secretary, may employ such staff as necessary to perform the  
24 duties, functions, and responsibilities of the office;

25 1. Information and Technology Services Division, which shall be headed  
26 by a director appointed by the secretary of the Justice and Public Safety  
27 Cabinet pursuant to KRS 12.050 who shall report to the executive

- 1 director of the Office of Communications;
- 2 (f) Office of Financial Management Services, which shall be headed by an  
3 executive director appointed by the secretary of the Justice and Public Safety  
4 Cabinet pursuant to KRS 12.050 who shall be responsible to report to the  
5 secretary and be responsible for all matters relating to fiscal functions, and  
6 who, with the approval of the secretary, may employ such staff as necessary to  
7 perform the duties, functions, and responsibilities of the office;
- 8 1. Division of Financial Management, which shall be headed by a director  
9 appointed by the secretary of the Justice and Public Safety Cabinet  
10 pursuant to KRS 12.050 who shall report to the executive director of the  
11 Office of Financial Management Services;
- 12 (g) Grants Management Division, which shall be headed by a director appointed  
13 by the secretary of the Justice and Public Safety Cabinet pursuant to KRS  
14 12.050 who shall be responsible to report to the secretary and be responsible  
15 for all matters relating to state and federal grants management, and who, with  
16 the approval of the secretary, may employ such staff as necessary to perform  
17 the duties, functions, and responsibilities of the office;
- 18 (h) Office of the Kentucky State Medical Examiner, which shall be headed by a  
19 chief medical examiner appointed pursuant to KRS 72.240 who shall be  
20 responsible for all matters relating to forensic pathology and forensic  
21 toxicology and other duties as assigned by the secretary. The executive  
22 director appointed pursuant to KRS 12.050 shall be responsible for all matters  
23 related to the administrative support of the Office of the State Medical  
24 Examiner. The executive director shall report directly to the secretary and with  
25 the approval of the secretary may employ such administrative support staff as  
26 necessary to perform the administrative duties, functions, and responsibilities  
27 of the office. The chief medical examiner shall be directly responsible to and

1 report to the secretary and may employ such staff as necessary to perform the  
2 forensic duties, functions, and responsibilities of the office; and

3 (i) Office of Drug Control Policy, which shall be headed by an executive director  
4 appointed pursuant to KRS 12.050 who shall be responsible for all matters  
5 relating to the research, coordination, and execution of drug control policy and  
6 for the management of state and federal grants, including but not limited to the  
7 prevention and treatment related to substance abuse. By December 31 of each  
8 year, the Office of Drug Control Policy shall review, approve, and coordinate  
9 all current projects of any substance abuse program which is conducted by or  
10 receives funding through agencies of the executive branch. This oversight  
11 shall extend to all substance abuse programs which are principally related to  
12 the prevention or treatment, or otherwise targeted at the reduction, of  
13 substance abuse in the Commonwealth. The Office of Drug Control Policy  
14 shall promulgate administrative regulations consistent with enforcing this  
15 oversight authority. The executive director shall be directly responsible to and  
16 report to the secretary and may employ such staff as necessary to perform the  
17 duties, functions, and responsibilities of the office.

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO  
19 READ AS FOLLOWS:

20 **(1) There is created within the Department of Kentucky State Police the Kentucky**  
21 **State Police Commission, which shall be composed of the following nine (9)**  
22 **members who shall be residents of Kentucky:**

23 **(a) The Attorney General, or his or her designee;**

24 **(b) The commissioner of the Department of Criminal Justice Training;**

25 **(c) The director of the Southern Police Institute of the University of Louisville;**

26 **(d) The dean of the College of Justice and Safety of Eastern Kentucky**  
27 **University;**



- 1        (e) Five (5) at-large members appointed by the Governor, as follows:
- 2            1. Two (2) retired Kentucky state troopers;
- 3            2. One (1) chief of police from a list of three (3) names submitted by the
- 4            Kentucky Association of Chiefs of Police;
- 5            3. One (1) sheriff from a list of three (3) names submitted by the
- 6            Kentucky Sheriffs' Association; and
- 7            4. One (1) Commonwealth's attorney from a list of three (3) names
- 8            submitted by the Commonwealth's Attorneys Association.
- 9        (2) At-large members appointed under subsection (1)(e) of this section shall serve
- 10        four (4) year terms. In the event of any vacancy other than by the expiration of a
- 11        term, the Governor shall fill the vacancy for the remainder of the unexpired term
- 12        from the names remaining on the list previously submitted for the position from
- 13        which the vacancy arose.
- 14        (3) Members of the commission may be removed by the Governor only for cause,
- 15        after being given a copy of charges against them, an opportunity to be heard
- 16        publicly on the charges before the Governor, and in finding of fact by the
- 17        Governor.
- 18        (4) Each member of the commission shall be entitled to reimbursement for actual
- 19        and necessary traveling and other expenses incurred by him or her in the
- 20        discharge of his or her official duties.
- 21        (5) A majority of the commission shall constitute a quorum for the transaction of
- 22        any business, for the performance of any duty, or for the exercise of any power
- 23        vested in the commission.
- 24        (6) The commission shall promulgate administrative regulations under KRS Chapter
- 25        13A to carry out its functions and duties under this chapter, including provisions
- 26        for:
- 27        (a) Open competitive examination as to the fitness of applicants for

- 1           employment as officers; and  
 2           (b) Establishment of eligible lists as a result of the competitive examinations,  
 3           from which lists vacancies shall be filled.  
 4           (7) The commission shall hear appeals from applicants for employment for which  
 5           examinations are being given or have been conducted and from eligibles on  
 6           examination registers subject to the procedural rules that the commission may  
 7           adopt pursuant to the this section.

8           ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO  
 9 READ AS FOLLOWS:

- 10           (1) Notwithstanding any provision of KRS Chapter 18A, 42, 45, 45A, 56, or 64 to the  
 11           contrary, the Kentucky State Police Commission shall have the sole authority to  
 12           appoint a commissioner of the Department of Kentucky State Police, who shall  
 13           meet the qualifications set forth in KRS 16.030. The commission shall be the sole  
 14           contracting body for the purposes of KRS Chapter 45A and shall submit any  
 15           proposed personal service contract with a commissioner to the Government  
 16           Contract Review Committee for its review pursuant to KRS 45A.690 to 45A.725.  
 17           The commissioner shall serve for a defined employment contract term not to  
 18           exceed four (4) years and shall be subject to:

- 19           (a) Annual review by the commission in closed, executive session;  
 20           (b) Removal by the commission for the same cause and in the same manner in  
 21           which the Governor may remove a member of the commission; and  
 22           (c) Reappointment by the commission.

- 23           (2) The commissioner shall receive such compensation as the commission may solely  
 24           determine, and shall be reimbursed for all actual and necessary travel and other  
 25           expenses incurred by him or her in the performance of his or her official duties.

26           ➔Section 4. KRS 16.050 is amended to read as follows:

- 27           (1) The commissioner shall appoint or promote to the ranks and grades and positions of

1 the department such officers as are considered by him or her to be necessary for the  
2 efficient administration of the department. The Kentucky State Police shall conduct  
3 a biennial salary survey, and the findings of the salary survey shall be:

4 (a) Submitted to the Kentucky State Police Commission; and

5 (b) Included in the department's budget request submitted to the Kentucky  
6 General Assembly.

7 (2) All initial appointments of officers to the department shall be made for merit and  
8 fitness after a competitive examination.

9 ~~(3) [There is created a Department of Kentucky State Police Personnel Board consisting~~  
10 ~~of the commissioner and four (4) other members to be appointed by the Governor,~~  
11 ~~two (2) to be appointed from each of the two (2) major political parties.~~

12 ~~(4) The initial appointment of members of the board shall be for terms of one (1), two~~  
13 ~~(2), three (3), and four (4) years. Thereafter each appointment shall be for a term of~~  
14 ~~four (4) years, except that a person appointed to fill a vacancy occurring prior to the~~  
15 ~~expiration of a term shall be appointed for the remainder of that term.~~

16 ~~(5) Members of the board may be removed by the Governor only for cause, after being~~  
17 ~~given a copy of charges against them and an opportunity to be heard publicly on~~  
18 ~~such charges before the Governor.~~

19 ~~(6) The board shall elect one (1) of its members chairman. It shall meet at such time~~  
20 ~~and place as shall be specified by call of the commissioner. Three (3) members shall~~  
21 ~~constitute a quorum for the transaction of business. Members of the board other~~  
22 ~~than the commissioner shall receive compensation of fifty dollars (\$50) and~~  
23 ~~reimbursement of travel expenses for each meeting of the board which they attend.~~

24 ~~(7) The board shall promulgate administrative regulations to carry out the purposes~~  
25 ~~herein, which shall include provisions for:~~

26 ~~(a) Open competitive examination as to fitness of applicants for employment as~~  
27 ~~officers; and~~

1       ~~(b) Establishment of eligible lists as a result of such competitive examinations,~~  
2           ~~from which lists vacancies shall be filled.~~

3       ~~(8) The board shall hear appeals from applicants for employment for which~~  
4           ~~examinations are being given or have been conducted and from eligibles on~~  
5           ~~examination registers subject to the procedural rules which the board may adopt~~  
6           ~~pursuant to the provisions of this section.~~

7       ~~(9)~~(a) Prior to appointment as a Cadet Trooper, all applicants shall agree in writing  
8           that if, within three (3) years of completing the basic training course offered  
9           by the department, he or she accepts employment as a peace officer with  
10          another law enforcement agency, or accepts employment with another type of  
11          agency or entity in a position that requires law enforcement training to meet  
12          the qualifications for the position, he or she will repay to the department the  
13          cost incurred by the department in providing training to the officer to the  
14          extent repayment has not been made by the agency with which the officer  
15          accepts employment under paragraph (b) or (c) of this subsection.

16       (b) If the officer accepts employment as a peace officer with another state agency  
17          or a state university or educational institution within Kentucky within three (3)  
18          years of completing the basic training course offered by the department, the  
19          agency, university, or educational institution shall reimburse the department  
20          for costs incurred in providing training to the officer.

21       (c) If the officer accepts employment with a city, county, or other local law  
22          enforcement agency within Kentucky within three (3) years of completing the  
23          basic training course offered by the department, KRS 70.290 shall apply as  
24          well, except that the amount of the reimbursement shall not be prorated as  
25          provided in KRS 70.290.

26       ➔Section 5. Notwithstanding subsection (2) of Section 2 of this Act, the initial  
27       appointments of at-large members to the Kentucky State Police Commission under

1 subsection (1)(e) of Section 2 of this Act shall be staggered so that one appointment shall  
2 be for a term of one year, two appointments shall be for a term of two years, one  
3 appointment shall be for a term of three years, and one appointment shall be for a term of  
4 four years. After the initial appointments, each appointment under subsection (1)(e) of  
5 Section 2 of this Act shall be for a term of four years.