

1 AN ACT relating to warrants.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) An officer executing a warrant shall take the arrested person without*
6 *unnecessary delay before a judge as commanded in the warrant. If the arrest is*
7 *made in a county other than that where the warrant was issued, or the warrant is*
8 *served upon a person incarcerated in a county other than that where the warrant*
9 *was issued, and the person is not taken as commanded in the warrant, the*
10 *arrested person shall be:*

11 *(a) Taken before a judge of the county where the warrant was served, who shall*
12 *consider the defendant for release on personal recognizance and release the*
13 *person; or*

14 *(b) Granted bail for his or her appearance before the proper judge in the*
15 *county where the warrant was issued, to whom the bail bond and other*
16 *papers shall be transmitted.*

17 *(2) The officer executing a warrant shall return the warrant via certified mail to the*
18 *court that issued the warrant within seventy-two (72) hours of its execution. The*
19 *executing officer shall deliver the warrant with the return endorsed thereon,*
20 *together with a copy of the complaint pursuant to which the warrant was issued,*
21 *which shall serve as notice to the court that issued the warrant.*

22 *(3) If the offense is nonbailable, or if the incarcerated person is unable to satisfy*
23 *bail, the judge shall commit that person to jail, and he or she shall be transported*
24 *to the court that issued the warrant within ten (10) days by an officer of the*
25 *county where the warrant was issued.*

26 *(4) If the person is not taken before the court that issued the warrant within ten (10)*
27 *days, the jail of the county where the warrant was issued shall provide for the*

1 *costs of incarceration of the person.*

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

- 3 (1) Each unit of government that meets the following requirements shall be eligible to
4 share in the distribution of funds from the Law Enforcement Foundation Program
5 fund:
- 6 (a) Employs one (1) or more police officers;
 - 7 (b) Pays every police officer at least the minimum federal wage;
 - 8 (c) Requires all police officers to have, at a minimum, a high school degree, or its
9 equivalent as determined by the council, except that each police officer
10 employed prior to the date on which the officer's police department was
11 included as a participant under KRS 15.410 to 15.510 shall be deemed to have
12 met the requirements of this subsection;
 - 13 (d) 1. Requires all police officers to successfully complete a basic training
14 course of nine hundred twenty-eight (928) hours' duration within one (1)
15 year of the date of employment at a school certified or recognized by the
16 council, which may provide a different number of hours of instruction as
17 established in this paragraph, except that each police officer employed
18 prior to the date on which the officer's police department was included
19 as a participant under KRS 15.410 to 15.510 shall be deemed to have
20 met the requirements of this subsection.
 - 21 2. As the exclusive method by which the number of hours required for
22 basic training courses shall be modified from that which is specifically
23 established by this paragraph, the council may, by the promulgation of
24 administrative regulations in accordance with the provisions of KRS
25 Chapter 13A, explicitly set the exact number of hours for basic training
26 at a number different from nine hundred twenty-eight (928) hours based
27 upon a training curriculum approved by the Kentucky Law Enforcement

- 1 Council as determined by a validated job task analysis.
- 2 3. If the council sets an exact number of hours different from nine hundred
3 twenty-eight (928) in an administrative regulation as provided by this
4 paragraph, it shall not further change the number of hours required for
5 basic training without promulgating administrative regulations in
6 accordance with the provisions of KRS Chapter 13A.
- 7 4. Nothing in this paragraph shall be interpreted to prevent the council,
8 pursuant to its authority under KRS 15.330, from approving training
9 schools with a curriculum requiring attendance of a number of hours that
10 exceeds nine hundred twenty-eight (928) hours or the number of hours
11 established in an administrative regulation as provided by subparagraphs
12 2. and 3. of this paragraph. However, the training programs and schools
13 for the basic training of law enforcement personnel conducted by the
14 department pursuant to KRS 15A.070 shall not contain a curriculum that
15 requires attendance of a number of hours for basic training that is
16 different from nine hundred twenty-eight (928) hours or the number of
17 hours established in an administrative regulation promulgated by the
18 council pursuant to the provisions of KRS Chapter 13A as provided by
19 subparagraphs 2. and 3. of this paragraph.
- 20 5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph
21 to the contrary notwithstanding, the council may, through the
22 promulgation of administrative regulations in accordance with KRS
23 Chapter 13A, approve basic training credit for:
- 24 a. Years of service credit as a law enforcement officer with previous
25 service in another state; and
- 26 b. Basic training completed in another state.
- 27 6. 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. Completion of eight hundred forty-eight (848) hours of training at
5 a school established pursuant to KRS 15A.070;
 - 6 b. A minimum of fifteen (15) years of experience as a certified law
7 enforcement instructor at a school established pursuant to KRS
8 15A.070;
 - 9 c. Completion of an average of forty (40) hours of Kentucky Law
10 Enforcement Council approved in-service training annually from
11 January 1, 1997, through January 1, 2020;
 - 12 d. Three (3) years of active, full-time service as a:
 - 13 i. City, county, urban-county, charter county, consolidated
14 local, or unified local government police officer;
 - 15 ii. Sheriff's deputy, excluding special deputies appointed under
16 KRS 70.045;
 - 17 iii. Department of Kentucky State Police officer; or
 - 18 iv. Kentucky Department of Fish and Wildlife Resources
19 conservation officer exercising peace officer powers under
20 KRS 150.090; and
 - 21 e. Completion of the:
 - 22 i. Twenty-four (24) hour legal update Penal Code course;
 - 23 ii. Sixteen (16) hour legal update constitutional procedure
24 course; and
 - 25 iii. Forty (40) hour basic officer skills course within one (1) year
26 prior to applying for certification;
 - 27 (e) Requires all police officers to successfully complete each calendar year an in-

1 service training course, appropriate to the officer's rank and responsibility and
2 the size and location of the officer's police department, of forty (40) hours'
3 duration, at a school certified or recognized by the council which may include
4 a four (4) hour course which meets the requirements of paragraph (j) of this
5 subsection. This in-service training requirement shall be waived for the period
6 of time that a peace officer is serving on active duty in the United States
7 Armed Forces. This waiver shall be retroactive for peace officers from the
8 date of September 11, 2001;

9 (f) Complies with all provisions of law applicable to police officers or police
10 departments, including transmission of data to the centralized criminal history
11 record information system as required by KRS 17.150 and transmission of
12 reports as required by KRS 15.391;

13 (g) Complies with all rules and regulations, appropriate to the size and location of
14 the police department issued by the cabinet to facilitate the administration of
15 the fund and further the purposes of KRS 15.410 to 15.510;

16 (h) Possesses a written policy and procedures manual related to domestic violence
17 for law enforcement agencies that has been approved by the cabinet. The
18 policy shall comply with the provisions of KRS 403.715 to 403.785. The
19 policy shall include a purpose statement; definitions; supervisory
20 responsibilities; procedures for twenty-four (24) hour access to protective
21 orders; procedures for enforcement of court orders or relief when protective
22 orders are violated; procedures for timely and contemporaneous reporting of
23 adult abuse and domestic violence to the Cabinet for Health and Family
24 Services, Department for Community Based Services; victim rights,
25 assistance, and service responsibilities; and duties related to timely completion
26 of records;

27 (i) Possesses by January 1, 2017, a written policy and procedures manual related

1 to sexual assault examinations that meets the standards provided by, and has
2 been approved by, the cabinet, and which includes:

- 3 1. A requirement that evidence collected as a result of an examination
4 performed under KRS 216B.400 be taken into custody within five (5)
5 days of notice from the collecting facility that the evidence is available
6 for retrieval;
- 7 2. A requirement that evidence received from a collecting facility relating
8 to an incident which occurred outside the jurisdiction of the police
9 department be transmitted to a police department with jurisdiction
10 within ten (10) days of its receipt by the police department;
- 11 3. A requirement that all evidence retrieved from a collecting facility under
12 this paragraph be transmitted to the Department of Kentucky State
13 Police forensic laboratory within thirty (30) days of its receipt by the
14 police department;
- 15 4. A requirement that a suspect standard, if available, be transmitted to the
16 Department of Kentucky State Police forensic laboratory with the
17 evidence received from a collecting facility; and
- 18 5. A process for notifying the victim from whom the evidence was
19 collected of the progress of the testing, whether the testing resulted in a
20 match to other DNA samples, and if the evidence is to be destroyed. The
21 policy may include provisions for delaying notice until a suspect is
22 apprehended or the office of the Commonwealth's attorney consents to
23 the notification, but shall not automatically require the disclosure of the
24 identity of any person to whom the evidence matched; ~~and~~

25 (j) Possesses, by January 1, 2023, a written policy and procedures manual
26 related to serving and returning warrants which includes:

- 27 1. Minimum standards for officers in the service and return of warrants;

1 2. A requirement that all warrants served by officers be returned to the
 2 court that issued the warrant within seventy-two (72) hours of
 3 execution; and

4 3. A requirement that officers who fail to return executed warrants
 5 within the required seventy-two (72) hours be subject to discipline, up
 6 to termination; and

7 ~~(k)(j)~~ Requires all police officers to successfully complete by December 31,
 8 2022, and every two (2) years thereafter, a training course certified by the
 9 council of not less than four (4) hours in emergency vehicle operation.

10 (2) A unit of government which meets the criteria of this section shall be eligible to
 11 continue sharing in the distribution of funds from the Law Enforcement Foundation
 12 Program fund only if the police department of the unit of government remains in
 13 compliance with the requirements of this section.

14 (3) Deputies employed by a sheriff's office shall be eligible to participate in the
 15 distribution of funds from the Law Enforcement Foundation Program fund
 16 regardless of participation by the sheriff.

17 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
 18 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
 19 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
 20 criminal action.

21 ➔Section 3. KRS 15.512 is amended to read as follows:

22 Each law enforcement agency or other employing agency whose officers are required to
 23 meet the training requirements of KRS 15.440(1)(k)~~[15.440(1)(j)]~~ shall retain a record of
 24 each of its officers having met the biennial training. These records shall be made
 25 available upon request to the Kentucky Law Enforcement Council and to the Justice and
 26 Public Safety Cabinet.