

1 AN ACT relating to peace officer certification.

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

3 ➔Section 1. KRS 15.310 is amended to read as follows:

4 As used in KRS 15.310 to 15.510, 15.990, and 15.992, unless the context otherwise
5 requires:

- 6 (1) "Basic training course" means the peace officer or court security officer basic
7 training course provided by the Department of Criminal Justice Training or a course
8 approved and recognized by the Kentucky Law Enforcement Council;
- 9 (2) "Certified court security officer" means a court security officer who is certified
10 under KRS 15.380 to 15.404;
- 11 (3) "Certified peace officer" means a peace officer who is certified under KRS 15.380
12 to 15.404;
- 13 (4) "Certification" means the act by the council of issuing certification to a peace
14 officer or court security officer who successfully completes the training
15 requirements pursuant to KRS 15.404 and the requirements set forth within this
16 chapter;
- 17 (5) "Council" means the Kentucky Law Enforcement Council established by KRS
18 15.310 to 15.510, 15.990, and 15.992;
- 19 (6) "Court security officer" means a person required to be certified under KRS
20 15.380(1)(c) and who is charged with the duties set out in KRS 70.280;
- 21 (7) "Department" means the Department of Criminal Justice Training of the Justice and
22 Public Safety Cabinet;
- 23 (8) "Fire investigator" means a professional firefighter, as used in KRS 95A.210, who
24 has been appointed to investigate offenses under KRS Chapter 513~~be a fire~~
25 ~~investigator~~ and to exercise peace officer powers under KRS 95A.100, or a deputy
26 fire marshal who has been appointed to be a fire investigator and to exercise peace
27 officer powers under KRS 227.220;

- 1 (9) "Law enforcement officer" means a member of a lawfully organized police unit or
2 police force of county, city or metropolitan government who is responsible for the
3 detection of crime and the enforcement of the general criminal laws of the state, as
4 well as sheriffs, sworn deputy sheriffs, campus police officers, law enforcement
5 support personnel, public airport authority security officers, ***and*** other public and
6 federal peace officers responsible for law enforcement~~[- and special local peace
7 officers licensed pursuant to KRS 61.360];~~
- 8 (10) "Peace officer" means a person defined in KRS 446.010, or a fire investigator
9 appointed to exercise peace officer powers under KRS 95A.100 or 227.220;
- 10 (11) "Secretary" means the secretary of the Justice and Public Safety Cabinet; and
- 11 (12) "Validated job task analysis" means the minimum entry level qualifications and
12 training requirements for peace officers in the Commonwealth based upon an actual
13 survey and study of police officer duties and responsibilities conducted by an entity
14 recognized by the Kentucky Law Enforcement Council as being competent to
15 conduct such a study.

16 ➔Section 2. KRS 15.380 is amended to read as follows:

- 17 (1) The following officers employed or appointed as full-time, part-time, or auxiliary
18 officers, whether paid or unpaid, shall be certified ***by the council if all minimum***
19 ***standards set forth in this section to KRS 15.404 have been met:***
- 20 (a) Department of Kentucky State Police officers, but for the commissioner of the
21 Department of Kentucky State Police;
- 22 (b) City, county, and urban-county police officers;
- 23 (c) ~~{Court security officers and }~~Deputy sheriffs, except those identified in KRS
24 70.045 and 70.263(3);
- 25 (d) State or public university police officers appointed pursuant to KRS 164.950;
- 26 (e) School resource officers as defined in KRS 158.441 and employed or
27 appointed under KRS 158.4414;

- 1 (f) Airport safety and security officers appointed under KRS 183.880;
- 2 (g) Department of Alcoholic Beverage Control investigators appointed under
3 KRS 241.090;
- 4 (h) Division of Insurance Fraud Investigation investigators appointed under KRS
5 304.47-040; **and**
- 6 (i) Fire investigators appointed or employed under KRS 95A.100 or 227.220;
- 7 **and**
- 8 ~~(j) County detectives appointed in accordance with KRS 69.360 after July 1,~~
9 ~~2019].~~
- 10 (2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state
11 peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be
12 incorporated by the Personnel Cabinet for job specifications.
- 13 (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 for
14 all peace officers possessing arrest powers who have specialized law enforcement
15 responsibilities shall be the responsibility of the employing agency.
- 16 (4) The following officers may, upon request of the employing agency, be certified by
17 the council **if all minimum standards set forth in this section to KRS 15.404 have**
18 **been met:**
- 19 (a) Deputy coroners;
- 20 (b) Deputy constables;
- 21 (c) Deputy jailers;
- 22 (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
- 23 (e) Officers appointed under KRS 61.360;
- 24 (f) Officers appointed under KRS 61.902, except those who are school resource
25 officers as defined in KRS 158.441 and who shall be certified under
26 subsection (1)(e) of this section;
- 27 (g) Private security officers;

- 1 (h) Employees of a correctional services division created pursuant to KRS
2 67A.028 and employees of a metropolitan correctional services department
3 created pursuant to KRS 67B.010 to 67B.080; and
- 4 (i) Investigators employed by the Department of Charitable Gaming in
5 accordance with KRS 238.510; and
- 6 (j) Commonwealth detectives employed under KRS 69.110 and county
7 detectives employed under KRS 69.360.
- 8 (5) The following officers shall be exempted from the certification requirements but
9 may upon their request be certified by the council:
- 10 (a) Sheriffs;
- 11 (b) Coroners;
- 12 (c) Constables;
- 13 (d) Jailers;
- 14 (e) Kentucky Horse Racing Commission security officers employed under KRS
15 230.240; and
- 16 (f) Commissioner of the State Police.
- 17 (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404.
- 18 (7) Local alcoholic beverage control investigators appointed under KRS Chapter 241
19 on or after April 1, 2019, shall be certified by the council if all minimum standards
20 set forth in KRS 15.380 to 15.404 have been met. Local alcoholic beverage control
21 investigators appointed under KRS Chapter 241 before April 1, 2019, ***may be***
22 ***certified by the council if all minimum standards set forth in this section to KRS***
23 ***15.404 have been met***~~[shall be exempt from this requirement].~~
- 24 ➔Section 3. KRS 15.386 is amended to read as follows:
- 25 The following certification categories shall exist:
- 26 (1) "Precertification status" means that the officer is currently employed or appointed
27 by an agency and meets or exceeds all those minimum qualifications set forth in

1 KRS 15.382, but has not successfully completed a basic training course, except
2 those peace officers covered by KRS 15.400. Upon the council's verification that
3 the minimum qualifications have been met, the officer shall have full peace officer
4 powers as authorized under the statute under which he or she was appointed or
5 employed. If an officer fails to successfully complete a basic training course within
6 one (1) year of employment, his or her enforcement powers shall automatically
7 terminate, unless that officer is actively enrolled and participating in a basic training
8 course or, after having begun a basic training course, is on an approved extension of
9 time due to injury or extenuating circumstances;

10 (2) "Certification status" means that unless the certification is in revoked status or
11 inactive status, the officer is currently employed or appointed by an agency and has
12 met all training requirements. The officer shall have full peace officer powers as
13 authorized under the statute under which he or she was appointed or employed;

14 (3) (a) "Inactive status" means that unless the certification is in revoked status:

15 1. The person has been separated on or after December 1, 1998, from the
16 agency by which he or she was employed or appointed and has no peace
17 officer powers; or

18 2. The person is on military active duty for a period exceeding three
19 hundred sixty-five (365) days.

20 (b) The person may remain on inactive status. A person who is on inactive status
21 and who returns to a peace officer position shall have certification status
22 restored if he or she meets the requirements of KRS 15.400(1) or (2) or has
23 successfully completed a basic training course approved and recognized by
24 the council, has not committed an act for which his or her certified status may
25 be revoked pursuant to KRS 15.391, and successfully completes in-service
26 training as prescribed by the council, as follows:

27 1. **If a person has been on inactive status for less than one (1) year, and**

1 the person was not in training deficiency status at the time of
2 separation, he or she shall have no additional training requirements;

3 2. If the person has been on inactive status for a period of one (1) year but
4 less than three (3) years, and the person was not in training deficiency
5 status at the time of separation, he or she shall complete:

- 6 a. The twenty-four (24) hour legal update Penal Code course;
- 7 b. The sixteen (16) hour legal update constitutional procedure course;
- 8 and
- 9 c. The mandatory training course approved by the Kentucky Law
- 10 Enforcement Council, pursuant to KRS 15.334, for the year in
- 11 which he or she returns to certification status; or

12 ~~3.~~ If the person has been on inactive status for a period of three (3) years or
13 more, or the person was in training deficiency status at the time of
14 separation, he or she shall complete:

- 15 a. The twenty-four (24) hour legal update Penal Code course;
- 16 b. The sixteen (16) hour legal update constitutional procedure course;
- 17 c. The mandatory training course approved by the Kentucky Law
- 18 Enforcement Council, pursuant to KRS 15.334, for the year in
- 19 which he or she returns to certification status; and
- 20 d. One (1) of the following forty (40) hour courses which is most
- 21 appropriate for the officer's duty assignment:
 - 22 i. Basic officer skills;
 - 23 ii. Orientation for new police chiefs; or
 - 24 iii. Mandatory duties of the sheriff.

25 (c) A person returning from inactive to active certification after June 26, 2007,
26 under KRS 15.380 to 15.404, shall meet the following minimum
27 qualifications:

- 1 1. Be a citizen of the United States;
- 2 2. Possess a valid license to operate a motor vehicle;
- 3 3. Be fingerprinted for a criminal background check;
- 4 4. Not have been convicted of any felony; a misdemeanor under KRS
- 5 510.120, 510.130, or 510.140; a second or subsequent offense under
- 6 KRS 510.148; or a criminal attempt, conspiracy, facilitation, or
- 7 solicitation to commit any degree of rape, sodomy, sexual abuse, or
- 8 sexual misconduct;
- 9 5. Not be prohibited by federal or state law from possessing a firearm;
- 10 6. Have received and read the Kentucky Law Enforcement Officers Code
- 11 of Ethics as established by the council;
- 12 7. Have not received a dishonorable discharge, bad conduct discharge, or
- 13 general discharge under other than honorable conditions, if having
- 14 served in any branch of the Armed Forces of the United States;
- 15 8. Have been interviewed by the employing agency; and
- 16 9. Not have had certification as a peace officer permanently revoked in
- 17 another state;
- 18 (4) "Training deficiency status" means that unless the certification is in revoked status
- 19 or inactive status, the officer is currently employed or appointed by an agency and
- 20 has failed to meet all in-service training requirements. The officer's enforcement
- 21 powers shall automatically terminate, and he or she shall not exercise peace officer
- 22 powers in the Commonwealth until he or she has corrected the in-service training
- 23 deficiency;
- 24 (5) "Revoked status" means that the officer has no enforcement powers and his or her
- 25 certification has been revoked by the Kentucky Law Enforcement Council under
- 26 KRS 15.391; and
- 27 (6) "Denied status" means that a person does not meet the requirements to achieve

1 precertification status or certification status.

2 The design of a certificate may be changed periodically. When a new certificate is
3 produced, it shall be distributed free of charge to each currently certified peace officer.

4 ➔Section 4. KRS 15.391 is amended to read as follows:

5 (1) As used in this section:

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

8 (b) "Final order" has the same meaning as in KRS 13B.010 **and shall be specific**
9 **to whether the Kentucky Law Enforcement Council has met the**
10 **requirements under this section to revoke an individual's peace officer**
11 **certification;**

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

19 (d) "Investigating agency" means an agency that investigates the use of force, **a**
20 **criminal act, or an administrative violation** by peace officers, including but
21 not limited to the employing agency;

22 (e) "Professional malfeasance" means engaging in an act in one's professional
23 capacity as a peace officer that violates a federal, state, or local law or
24 regulation, or any act that involves the following:

25 1. The unjustified use of excessive or deadly force, as determined by an
26 investigating agency;

27 2. Any intentional action by a peace officer that interferes with or alters the

1 fair administration of justice, including but not limited to tampering with
2 evidence, giving of false testimony, or the intentional disclosure of
3 confidential information in a manner that compromises the integrity of
4 an official investigation; or

5 3. Engaging in a sexual relationship with an individual the peace officer
6 knows or should have known is a victim, witness, defendant, or
7 informant in an ongoing criminal investigation in which the peace
8 officer is directly involved;

9 (f) "Professional nonfeasance" means a failure to perform one's professional duty
10 as a peace officer through omission or inaction that violates a federal, state, or
11 local law or regulation, or any failure to act that involves the following:

12 1. The failure to intervene when it is safe and practical to do so in any
13 circumstance where it is clear and apparent to the peace officer that
14 another peace officer is engaging in the use of unlawful and unjustified
15 excessive or deadly force; or

16 2. The intentional failure to disclose exculpatory or impeachment evidence
17 that the peace officer knew or should have known to be materially
18 favorable to an accused for the purpose of altering the fair
19 administration of justice; and

20 (g) "Regulation" means:

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

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

26 (2) (a) The certification of a peace officer shall be deemed automatically revoked by
27 the council by operation of the law for one (1) or more of the following:

- 1 1. Certification that was the result of an administrative error;
- 2 2. Plea of guilty to, conviction of, or entering of an Alford plea to:
 - 3 a. Any state or federal felony;
 - 4 b. A misdemeanor under KRS 510.120, 510.130, or 510.140; a
5 second or subsequent offense under KRS 510.148; or a criminal
6 attempt, conspiracy, facilitation, or solicitation to commit any
7 degree of rape, sodomy, sexual abuse, or sexual misconduct;
 - 8 c. Any criminal offense committed in another state that would
9 constitute a felony if committed in this state; or
 - 10 d. Any criminal offense committed in another state that would, if
11 committed in this state, constitute a misdemeanor under KRS
12 510.120, 510.130, or 510.140; a second or subsequent offense
13 under KRS 510.148; or a criminal attempt, conspiracy, facilitation,
14 or solicitation to commit any degree of rape, sodomy, sexual
15 abuse, or sexual misconduct;
- 16 3. Prohibition by federal or state law from possessing a firearm;
- 17 4. Receipt of a dishonorable discharge or bad conduct discharge from any
18 branch of the Armed Forces of the United States; or
- 19 5. Willful falsification of information to obtain or maintain certification.
- 20 (b) 1. A peace officer whose certification is revoked pursuant to paragraph (a)
21 of this subsection may file an appeal at any time with the council. If an
22 appeal is filed, the council shall conduct an administrative hearing
23 pursuant to KRS Chapter 13B to consider the reinstatement of the peace
24 officer's certification if the revocation was made in error or the condition
25 requiring revocation was removed or remedied.
- 26 2. The council may impose any reasonable condition upon the
27 reinstatement of the certification it may deem warranted under the facts

1 of the appeal.

2 3. Notwithstanding any other provision of law, the council may subpoena
3 or request a court to subpoena records that are necessary to provide
4 evidence that will permit the council to evaluate the conditions of
5 separation ~~[whether the cause for revocation has been remedied or~~
6 ~~removed]~~. Any confidential, active investigation, or medical
7 information received by the council under this subparagraph shall retain
8 its confidential character.

9 4. The reversal or any other type of invalidation of a conviction by an
10 appellate court shall constitute the removal or remedy of a condition
11 requiring revocation. However, an expungement of a felony offense
12 shall not be considered a removal or remedy that constitutes grounds for
13 the reinstatement of the peace officer's certification under this
14 paragraph.

15 5. A final order issued by the council denying reinstatement of certification
16 may be appealed pursuant to the provisions of KRS 13B.140.

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

19 1. Termination of the peace officer for failure to meet or maintain training
20 requirements, unless the certification is in inactive status. As used in this
21 subparagraph, "inactive status" has the same meaning as in KRS 15.386;

22 2. Termination of the peace officer for professional malfeasance or
23 professional nonfeasance by his or her agency;

24 3. Termination of the peace officer following the plea of guilty to,
25 conviction of, or entering of an Alford plea to any misdemeanor offense,
26 in this state or out of it, that involves:

27 a. Dishonesty;

- 1 b. Fraud;
- 2 c. Deceit;
- 3 d. Misrepresentation;
- 4 e. Physical violence;
- 5 f. Sexual abuse; or
- 6 g. Crimes against a minor or a family or household member;
- 7 4. Receipt of general discharge under other than honorable conditions from
- 8 any branch of the Armed Forces of the United States that results in the
- 9 termination of the peace officer from his or her agency; or
- 10 5. Resignation or retirement of the peace officer while he or she is under
- 11 criminal investigation or administrative investigation for professional
- 12 malfeasance or professional nonfeasance that, in the judgment of the
- 13 agency that employed the peace officer, would have likely resulted in
- 14 the termination of that peace officer had the facts leading to the
- 15 investigation been substantiated prior to his or her resignation or
- 16 retirement.
- 17 (b) The council shall review reports of events described in paragraph (a) of this
- 18 subsection to determine whether the event warrants the initiation of
- 19 proceedings by the council to revoke a peace officer's certification. If the
- 20 council determines to initiate proceedings to revoke a peace officer's
- 21 certification under this subsection, the administrative hearing shall be
- 22 conducted pursuant to KRS Chapter 13B. A final order by the council
- 23 revoking certification may be appealed pursuant to the provisions of KRS
- 24 13B.140.
- 25 **(c) Notwithstanding any other provision of law, the council may subpoena or**
- 26 **request a court to subpoena records that are necessary to provide evidence**
- 27 **that will permit the council to evaluate the conditions of separation. Any**

1 *confidential, active investigation, or medical information received by the*
2 *council under this paragraph shall retain its confidential character.*

3 (4) (a) An agency:

4 1. That has knowledge of a peace officer in its employment who meets any
5 of the revocation conditions outlined in subsection (2) of this section
6 shall report that condition to the council within fifteen (15) days of
7 gaining knowledge;

8 2. That terminated a peace officer for any of the revocation conditions
9 outlined in subsection (3)(a)1., 2., 3., or 4. of this section shall report
10 that condition to the council within fifteen (15) days of the termination;
11 and

12 3. That would have likely terminated a peace officer for the revocation
13 condition outlined in subsection (3)(a)5. of this section shall report that
14 condition to the council within fifteen (15) days of the peace officer's
15 resignation or retirement. If an agency reports pursuant to this
16 subparagraph, the agency shall notify the peace officer that a report has
17 been made.

18 (b) If an agency fails to make a report required by this subsection, the council
19 may suspend the agency from participation in the Kentucky Law Enforcement
20 Foundation Program fund. However, the time that an agency may be
21 suspended by the council under this paragraph shall not exceed five (5) years.

22 (5) The council may promulgate administrative regulations in accordance with KRS
23 Chapter 13A to implement this section.

24 ➔Section 5. KRS 15.3973 is amended to read as follows:

25 The certification of a court security officer may, after a hearing held in conformity with
26 KRS Chapter 13B, be revoked by the council for one (1) or more of the *bases for*
27 *revocation described under Section 4 of this Act*~~following reasons:~~

- 1 ~~(1) Failure to meet or maintain training requirements;~~
 2 ~~(2) Willful falsification of information to obtain or maintain certified status;~~
 3 ~~(3) Certification was the result of an administrative error;~~
 4 ~~(4) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;~~
 5 ~~(5) Prohibition by federal or state law from possessing a firearm; or~~
 6 ~~(6) Receipt of a dishonorable discharge, a bad conduct discharge, or general discharge~~
 7 ~~under other than honorable conditions from any branch of the Armed Forces of the~~
 8 ~~United States].~~

9 ➔Section 6. KRS 15.3977 is amended to read as follows:

10 The following certification categories shall exist for certified court security officers:

- 11 (1) "Precertification status" means that the ~~certified~~ court security officer is currently
 12 employed or appointed by an agency and meets or exceeds all those minimum
 13 qualifications set forth in KRS 15.3971, but has not successfully completed the
 14 training course provided in KRS 15.3975(1). Upon the council's verification that the
 15 minimum qualifications have been met, the officer shall have court security officer
 16 powers as authorized under the statute under which he or she was appointed or
 17 employed. If an officer fails to successfully complete the training course provided
 18 in KRS 15.3975(1) within one (1) year of employment, his or her court security
 19 powers shall automatically terminate;
- 20 (2) "Certification status" means that unless the certification is in revoked status or
 21 inactive status, the certified court security officer is currently employed or
 22 appointed by an agency and has met all training requirements. The officer shall
 23 have court security officer powers as authorized under the statute under which he or
 24 she was appointed or employed;
- 25 (3) (a) "Inactive status" means that unless the certification is in revoked status:
- 26 1. The person has been separated on or after June 26, 2007~~December 1,~~
 27 ~~1998~~, from the agency by which he or she was employed or appointed

- 1 and has no peace officer or court security officer powers; or
- 2 2. The person is on military active duty for a period exceeding three
- 3 hundred sixty-five (365) days.
- 4 (b) The person may remain on inactive status. A person who is on inactive status
- 5 and who returns to a court security officer position shall have certification
- 6 status restored if he or she has successfully completed the training course
- 7 under KRS 15.3975(1), has not committed an act for which his or her certified
- 8 status may be revoked pursuant to KRS 15.3973, and successfully completes
- 9 an in-service training course as prescribed in an administrative regulation
- 10 promulgated by the Kentucky Law Enforcement Council.
- 11 (c) A person returning from inactive to active certification as a court security
- 12 officer after June 26, 2007, under KRS 15.380 to 15.404 shall meet the
- 13 following minimum qualifications:
- 14 1. Be a citizen of the United States;
- 15 2. Possess a valid license to operate a motor vehicle;
- 16 3. Be fingerprinted for a criminal background check;
- 17 4. Not have been convicted of any felony;
- 18 5. Not be prohibited by federal or state law from possessing a firearm;
- 19 6. Have received and read the Kentucky Law Enforcement Officers Code
- 20 of Ethics as established by the council;
- 21 7. Have not received a dishonorable discharge, bad conduct discharge, or
- 22 general discharge under other than honorable conditions, if having
- 23 served in any branch of the Armed Forces of the United States;
- 24 8. Have been interviewed by the employing agency; and
- 25 9. Not have had certification as a peace officer permanently revoked in
- 26 another state;
- 27 (4) "Training deficiency status" means that unless the certification is in revoked status

1 or inactive status, the certified court security officer is currently employed or
 2 appointed by an agency and has failed to meet all in-service training requirements.
 3 The officer's court security powers shall automatically terminate, and he or she shall
 4 not exercise court security officer powers in the Commonwealth until he or she has
 5 corrected the in-service training deficiency;

6 (5) "Revoked status" means that the court security officer has no court security powers
 7 and his or her certification has been revoked by the Kentucky Law Enforcement
 8 Council for any one (1) of the *bases for revocation described under Section 4 of*
 9 *this Act*~~following reasons:~~

10 ~~(a) Failure to meet or maintain training requirements;~~

11 ~~(b) Willful falsification of information to obtain or maintain certified status;~~

12 ~~(c) Certification was the result of an administrative error;~~

13 ~~(d) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;~~

14 ~~(e) Prohibition by federal or state law from possessing a firearm; or~~

15 ~~(f) Receipt of a dishonorable discharge, a bad conduct discharge, or general~~
 16 ~~discharge under other than honorable conditions from any branch of the~~
 17 ~~Armed Forces of the United States]; and~~

18 (6) "Denied status" means that a person does not meet the requirements to achieve
 19 precertification status or certification status as a court security officer.

20 The design of a certificate may be changed periodically. When a new certificate is
 21 produced, it shall be distributed free of charge to each currently certified court security
 22 officer.

23 ➔Section 7. KRS 15.530 is amended to read as follows:

24 For the purposes of KRS 15.530 to 15.590:

25 (1) "CJIS" means the Criminal Justice Information System;

26 (2) "CJIS-full access course" means a training program of forty (40) hours approved by
 27 the Kentucky Law Enforcement Council;

- 1 (3) "CJIS telecommunicator" means any ~~full-time~~ public employee, sworn or civilian,
2 whose primary responsibility is to dispatch law enforcement units by means of
3 radio communications for an agency that utilizes the Criminal Justice Information
4 System, and is part of or administered by the state or any political subdivision;
- 5 (4) "Commissioner" means the commissioner of the Department of Criminal Justice
6 Training;
- 7 (5) "Non-CJIS telecommunicator" means any full-time public employee, sworn or
8 civilian, whose primary responsibility is to dispatch law enforcement units by
9 means of radio communications for an agency that does not utilize the Criminal
10 Justice Information System and is part of or administered by the state or any
11 political subdivision;
- 12 (6) "Non-CJIS telecommunicator academy" means a training course of one hundred
13 twenty (120) hours approved by the Kentucky Law Enforcement Council; and
- 14 (7) "Telecommunications academy" means a training course of one hundred sixty (160)
15 hours approved by the Kentucky Law Enforcement Council.

16 ➔Section 8. KRS 15.540 is amended to read as follows:

- 17 (1) An agency seeking to hire~~hiring~~ a telecommunicator after July 15, 2006, shall
18 certify to the Kentucky Law Enforcement Council that before being employed as
19 a~~Department of Criminal Justice Training before admission to the~~
20 ~~telecommunicator training program that the~~ telecommunicator, the applicant:
- 21 (a) Is a citizen of the United States and has reached the age of majority;
- 22 (b) 1. Is a high school graduate, regardless of whether the school is accredited
23 or certified by a governing body, provided that the education received
24 met the attendance and curriculum standards of Kentucky law at the
25 time of graduation, as determined by the Kentucky Department of
26 Education; or
- 27 2. Possesses a High School Equivalency Diploma;

- 1 (c) Has not been convicted of a felony or other crimes involving moral turpitude
2 as determined by submission of each applicant's fingerprints to the
3 information systems section of the Department of Kentucky State Police and
4 to the Federal Bureau of Investigation identification division, and by such
5 other investigations as required by the hiring agency;
- 6 (d) Has taken a psychological suitability screening administered or approved by
7 the Kentucky Law Enforcement Council to determine his or her suitability to
8 perform the duties of a telecommunicator. Any agency that administers its
9 own suitability screening shall certify the results to the department;
- 10 (e) Has taken a polygraph examination administered or approved by the
11 Kentucky Law Enforcement Council to determine his or her suitability to
12 perform the duties of a telecommunicator. Any agency that administers its
13 own polygraph examination shall certify the results to the department; and
- 14 (f) Has passed a drug screening administered or approved by the Kentucky Law
15 Enforcement Council. A person shall be deemed to have passed a drug
16 screening if the results are negative for the use of an illegal controlled
17 substance or prescription drug abuse. Any agency that administers its own
18 screening shall certify passing results to the department.

19 (2) Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary
20 notwithstanding, the applicant's home address, telephone number, date of birth,
21 Social Security number, and results of any background investigation, psychological
22 suitability screening, and polygraph examination conducted under this section shall
23 not be subject to disclosure.

24 ➔Section 9. KRS 95A.100 is amended to read as follows:

- 25 (1) As used in this section and KRS 95A.102, "fire investigator" means a professional
26 firefighter, as defined in KRS 95A.210, who has been appointed to ***investigate***
27 ***offenses under KRS Chapter 513*** ~~be a fire investigator~~ and to exercise peace

- 1 officer powers.
- 2 (2) The chief of a fire department may appoint a professional firefighter, as defined in
3 KRS 95A.210, to be a fire investigator and to exercise peace officer powers in order
4 to investigate crimes set out in KRS Chapter 513 and other crimes discovered in the
5 course of investigation.
- 6 (3) An individual appointed to be a fire investigator and to exercise peace officer
7 powers shall take an oath to faithfully perform the duties of his or her office, shall
8 affirm that he or she possesses the minimum qualifications under KRS 15.382, and
9 shall undergo a basic training course approved by the Kentucky Law Enforcement
10 Council.
- 11 (4) The employing agency or jurisdiction of the fire investigator shall pay for the
12 training required for certification by the Kentucky Law Enforcement Council.
- 13 (5) Upon the Kentucky Law Enforcement Council's verification that the required
14 standards have been met, a fire investigator shall have peace officer powers to
15 investigate crimes set out in KRS Chapter 513 and other crimes discovered in the
16 course of investigation.
- 17 (6) A fire investigator may exercise his or her powers in a location other than the city
18 or county in which he or she was appointed upon the request of:
- 19 (a) The chief of police, the chief of a fire department, the sheriff, or the chief
20 executive of the city or county in which the fire investigator's services are to
21 be utilized; or
- 22 (b) A federal agency that has an ongoing investigation in the city or county in
23 which the fire investigator's services are to be utilized.
- 24 (7) A fire investigator shall not:
- 25 (a) Patrol the roads, streets, or highways;
- 26 (b) Issue traffic citations; or
- 27 (c) Perform general law enforcement duties outside of investigating crimes set

1 out in KRS Chapter 513 and other crimes discovered in the course of
2 investigation.