

1 AN ACT relating to emergency management and declaring an emergency.

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

3 ➔Section 1. KRS 39A.050 is amended to read as follows:

4 (1) The Division of Emergency Management shall coordinate for the Governor all
5 matters pertaining to the comprehensive emergency management program and
6 disaster and emergency response of the Commonwealth. The division shall be the
7 executive branch agency of state government having primary jurisdiction,
8 responsibility, and authority for the planning and execution of disaster and
9 emergency assessment, mitigation, preparedness, response, and recovery for the
10 Commonwealth; the coordination of all disaster and emergency response by and
11 between all state agencies, all agencies of city, county, and urban-county or charter
12 county government, all local entities, and all political subdivisions of the
13 Commonwealth for an emergency, declared emergency, disaster, or catastrophe as
14 contemplated in KRS 39A.010, 39A.020, or 39A.030; the coordination of, and
15 liaison with, related or concerned federal government agencies, elected officials of
16 other states, private organizations or private sector companies dealing with disaster
17 and emergency response; the coordination of all recovery operations and mitigation
18 initiatives subsequent to disasters or emergencies; and the coordination of all public
19 information activities regarding state government disaster and emergency response
20 operations.

21 (2) The Division of Emergency Management shall have and exercise the following
22 powers, authorities, and duties:

23 (a) To develop, administer, and maintain a statewide comprehensive emergency
24 management program for the Commonwealth, and through it an integrated
25 emergency management system for the disaster and emergency response of
26 the Commonwealth, which shall be coordinated with the emergency
27 management programs, and other related public safety, emergency response,

1 mitigation, or disaster recovery programs, of all appropriate federal
2 government agencies including the Federal Emergency Management Agency,
3 the federal Department of Homeland Security, the State Department, the
4 Federal Aviation Administration, the Centers for Disease Control and
5 Prevention, the Department of Transportation, the Environmental Protection
6 Agency, the Occupational Safety and Health Administration, the Department
7 of Defense, the National Oceanic and Atmospheric Administration, the
8 Department of Justice, the Bureau of Alcohol, Tobacco, and Firearms, the
9 National Transportation Safety Board, the Chemical Safety and Hazard
10 Investigation Board, the Army Corps of Engineers, the National Security
11 Council, the Department of Health and Human Services, the Federal Railroad
12 Administration, the United States Geological Survey, the Department of
13 Energy, the Nuclear Regulatory Commission, the Department of Agriculture,
14 the Department of Housing and Urban Development, the American Red
15 Cross, the other states, and other appropriate public or private agencies, to the
16 fullest appropriate extent;

17 (b) To coordinate the development, implementation, and maintenance of
18 comprehensive emergency management programs by local emergency
19 management agencies in the cities, counties, and urban-county or charter
20 county governments of the Commonwealth to ensure that all such programs,
21 agencies, and organizations are organized, administered, and operated as
22 functional components of the integrated emergency management system of
23 the Commonwealth;

24 (c) To develop and maintain a comprehensive, risk-based, all-hazards disaster
25 and emergency response plan entitled "Kentucky Emergency Operations
26 Plan," the provisions of which shall establish the organizational structure to be
27 utilized by state government for managing disaster and emergency response,

1 and set forth the policies, procedures, and guidelines for the coordination and
2 execution of all disaster and emergency response for an emergency, declared
3 emergency, disaster, or catastrophe in the Commonwealth. The Kentucky
4 Emergency Operations Plan shall be submitted to the Governor for approval
5 when the Governor assumes office following each gubernatorial election, or at
6 other times as the director deems appropriate. The Governor shall provide
7 written approval of the Kentucky Emergency Operations Plan through
8 issuance of an executive order, and the division shall file a copy of the
9 executive order with the Legislative Research Commission. The Kentucky
10 Emergency Operations Plan shall be the primary strategic disaster and
11 emergency response planning component of the integrated emergency
12 management system of the Commonwealth, and shall be utilized and followed
13 by all state agencies, all local government agencies, all local public agencies
14 or entities, and all other political subdivisions of the Commonwealth which
15 may be involved in disaster and emergency response in the Commonwealth.
16 The Kentucky Emergency Operations Plan shall be updated by the division
17 not less than annually;

- 18 (d) To maintain and operate the State Emergency Operations Center facility,
19 which shall be the official and primary state government twenty-four (24)
20 hour warning point, communications, and command center, from which the
21 Governor, cabinet secretaries, department heads, and other state agency
22 officials can, at any time, rapidly, adequately, and effectively manage the
23 disaster and emergency response of the Commonwealth. The State Emergency
24 Operations Center facility shall be the primary state direction and control
25 component of the integrated emergency management system of the
26 Commonwealth for the coordination of all disaster and emergency response in
27 the Commonwealth;

- 1 (e) To develop, monitor, and operate, on a twenty-four (24) hour per day basis,
2 the appropriate alerting or warning systems, public safety telecommunications
3 systems, or radio networks; any state trunked, fiber, or interactive
4 communication systems; computer, fax, other telecommunications or
5 information networks; and systems needed for communication and
6 coordination with all necessary or appropriate federal, state, or local public
7 safety, law enforcement, emergency management, or other disaster and
8 emergency response agencies, and state or local dispatch centers in the
9 Commonwealth, and other appropriate interests, and through these agencies
10 and systems to receive or disseminate emergency information, or to receive
11 timely notification of, and continual assessment of, all threatened or actual
12 emergency incidents or disaster situations occurring anywhere in or near the
13 Commonwealth;
- 14 (f) To immediately notify the Governor, the adjutant general, and the executive
15 director of the Kentucky Office of Homeland Security, or his or her designee,
16 in the event of any major emergency incidents or disaster occurrences, or the
17 threatened or impending occurrence of any of these events, and to keep the
18 Governor, the adjutant general, and the executive director of the Kentucky
19 Office of Homeland Security, or his or her designee, informed of all actions
20 being taken in response to these events;
- 21 (g) To respond to the scenes of emergencies or disasters, or their threatened or
22 impending occurrence and to directly and immediately investigate, analyze,
23 and assess the nature and seriousness of these situations; to convene meetings,
24 gather information, conduct briefings, and evaluate ongoing emergency
25 response activities; take actions to execute the appropriate provisions of the
26 Kentucky Emergency Operations Plan; coordinate the establishment and
27 operation of a state incident management system; establish or manage sub-

- 1 state or area emergency operations centers, or on-scene command posts; and
2 fully expedite and coordinate the disaster and emergency response of the
3 Commonwealth;
- 4 (h) To establish and operate area field offices of the division, each office to be
5 headed by an area manager, responsible for administering the policies, plans,
6 programs, and duties of the division in specific geographic areas of the
7 Commonwealth, including the coordination of comprehensive emergency
8 management programs developed by the cities, counties, urban-county, or
9 charter county governments in the areas;
- 10 (i) To provide funds to the cities, counties, and urban-county or charter county
11 governments of the Commonwealth to support the development,
12 administration, operation, and maintenance of local emergency management
13 agencies created pursuant to KRS Chapters 39A to 39F;
- 14 (j) To require the regular submission of program administration data, records,
15 materials, reports, or documents from local emergency management agencies
16 as may be necessary and sufficient to conduct performance reviews and
17 assessments to ensure compliance with all state or federal funding and
18 program requirements, and to ensure local program compatibility and
19 consistency with the mission, goals, and objectives of the comprehensive
20 emergency management program and integrated emergency management
21 system of the Commonwealth;
- 22 (k) To ascertain the requirements of the Commonwealth and its cities and
23 counties for emergency resources and the necessities of life in the event of
24 disaster or emergency; institute an emergency resource management plan and
25 procure emergency supplies, materials, and equipment; and use or employ in
26 time of emergency any of the property, services, and resources of state or
27 local government in the Commonwealth for the purposes set forth in KRS

1 Chapters 39A to 39F;

2 (l) To institute public information and education programs, emergency
3 management training programs, and exercise programs to test and evaluate
4 emergency operations plans and disaster and emergency response and
5 recovery capabilities;~~and~~

6 (m) **To institute and maintain the Kentucky Qualification System, which shall**
7 **be used to establish qualification procedures, certification programs, and**
8 **credentialing standards for professionals involved in disaster and incident**
9 **management, including incident management teams and emergency**
10 **operations centers; and**

11 (n) To promulgate administrative regulations to carry out the provisions of KRS
12 Chapters 39A to 39F.

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

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

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

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

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

24 (d) 1. Requires all police officers to successfully complete a basic training
25 course of nine hundred twenty-eight (928) hours' duration within one (1)
26 year of the date of employment at a school certified or recognized by the
27 council, which may provide a different number of hours of instruction as

- 1 established in this paragraph, except that each police officer employed
2 prior to the date on which the officer's police department was included
3 as a participant under KRS 15.410 to 15.510 shall be deemed to have
4 met the requirements of this subsection.
- 5 2. As the exclusive method by which the number of hours required for
6 basic training courses shall be modified from that which is specifically
7 established by this paragraph, the council may, by the promulgation of
8 administrative regulations in accordance with the provisions of KRS
9 Chapter 13A, explicitly set the exact number of hours for basic training
10 at a number different from nine hundred twenty-eight (928) hours based
11 upon a training curriculum approved by the Kentucky Law Enforcement
12 Council as determined by a validated job task analysis.
- 13 3. If the council sets an exact number of hours different from nine hundred
14 twenty-eight (928) in an administrative regulation as provided by this
15 paragraph, it shall not further change the number of hours required for
16 basic training without promulgating administrative regulations in
17 accordance with ~~the provisions of~~ KRS Chapter 13A.
- 18 4. ~~Nothing in~~ This paragraph shall ***not*** be interpreted to prevent the
19 council, pursuant to its authority under KRS 15.330, from approving
20 training schools with a curriculum requiring attendance of a number of
21 hours that exceeds nine hundred twenty-eight (928) hours or the number
22 of hours established in an administrative regulation as provided by
23 subparagraphs 2. and 3. of this paragraph. However, the training
24 programs and schools for the basic training of law enforcement
25 personnel conducted by the department pursuant to KRS 15A.070 shall
26 not contain a curriculum that requires attendance of a number of hours
27 for basic training that is different from nine hundred twenty-eight (928)

1 hours or the number of hours established in an administrative regulation
2 promulgated by the council in accordance with~~pursuant to the~~
3 ~~provisions of~~ KRS Chapter 13A as provided by subparagraphs 2. and 3.
4 of this paragraph.

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

- 1 KRS 70.045;
- 2 iii. Department of Kentucky State Police officer; or
- 3 iv. Kentucky Department of Fish and Wildlife Resources game
- 4 warden exercising peace officer powers under KRS 150.090;
- 5 and
- 6 e. Completion of the:
- 7 i. Twenty-four (24) hour legal update Penal Code course;
- 8 ii. Sixteen (16) hour legal update constitutional procedure
- 9 course; and
- 10 iii. Forty (40) hour basic officer skills course within one (1) year
- 11 prior to applying for certification;
- 12 (e) Requires all police officers to successfully complete each calendar year an in-
- 13 service training course, appropriate to the officer's rank and responsibility and
- 14 the size and location of the officer's police department, of forty (40) hours'
- 15 duration, at a school certified or recognized by the council which may include
- 16 a four (4) hour course which meets the requirements of paragraph (j) of this
- 17 subsection. This in-service training requirement shall be waived for the period
- 18 of time that a peace officer is serving on active duty in the United States
- 19 Armed Forces. This waiver shall be retroactive for peace officers from the
- 20 date of September 11, 2001;
- 21 (f) Complies with all provisions of law applicable to police officers or police
- 22 departments, including transmission of data to the centralized criminal history
- 23 record information system as required by KRS 17.150 and transmission of
- 24 reports as required by KRS 15.391;
- 25 (g) Complies with all rules and regulations, appropriate to the size and location of
- 26 the police department issued by the cabinet to facilitate the administration of
- 27 the fund and further the purposes of KRS 15.410 to 15.510;

- 1 (h) Possesses a written policy and procedures manual related to domestic violence
2 for law enforcement agencies that has been approved by the cabinet. The
3 policy shall comply with the provisions of KRS 403.715 to 403.785. The
4 policy shall include:
- 5 1. A purpose statement;
 - 6 2. definitions;
 - 7 3. Supervisory responsibilities;
 - 8 4. Procedures for twenty-four (24) hour access to protective orders;
 - 9 5. Procedures for enforcement of court orders or relief when protective
10 orders are violated;
 - 11 6. Procedures for timely and contemporaneous reporting of adult abuse and
12 domestic violence to the Cabinet for Health and Family Services,
13 Department for Community Based Services; victim rights, assistance,
14 and service responsibilities; and
 - 15 7. Duties related to timely completion of records;
- 16 (i) Possesses by January 1, 2023, a written policy and procedures manual related
17 to sexual assault examinations that meets the standards provided by, and has
18 been approved by, the cabinet, and which includes:
- 19 1. A requirement that evidence collected as a result of an examination
20 performed under KRS 216B.400 be taken into custody within five (5)
21 days of notice from the collecting facility that the evidence is available
22 for retrieval;
 - 23 2. A requirement that evidence received from a collecting facility relating
24 to an incident which occurred outside the jurisdiction of the police
25 department be transmitted to a police department with jurisdiction
26 within ten (10) days of its receipt by the police department;
 - 27 3. A requirement that all evidence retrieved from a collecting facility under

1 this paragraph be transmitted to the Department of Kentucky State
2 Police forensic laboratory within thirty (30) days of its receipt by the
3 police department;

4 4. A requirement that a suspect standard, if available, be transmitted to the
5 Department of Kentucky State Police forensic laboratory with the
6 evidence received from a collecting facility;

7 5. A process for notifying the victim from whom the evidence was
8 collected of the progress of the testing, whether the testing resulted in a
9 match to other DNA samples, and if the evidence is to be destroyed. The
10 policy may include provisions for delaying notice until a suspect is
11 apprehended or the office of the Commonwealth's attorney consents to
12 the notification, but shall not automatically require the disclosure of the
13 identity of any person to whom the evidence matched; and

14 6. A requirement that DNA samples collected as a result of an examination
15 performed under KRS 216B.400 that are voluntarily submitted solely for
16 elimination purposes shall not be checked against any DNA index,
17 retained, or included in any DNA index;~~and~~

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

21 (k) Possesses a written policy and procedures manual related to submission of
22 information to the National Missing and Unidentified Persons System,
23 known as NamUs. The policy shall require the local police department to
24 enter missing and unidentified persons case information into NamUs after
25 it has been entered into the National Crime Information Center or NCIC.
26 The manual shall not relieve the local police department from other duties
27 relating to missing persons and shall be in addition to those duties. The

1 information shall be entered into NamUs according to the following
2 criteria:

3 1. Within seventy-two (72) hours of entry into NCIC:

4 a. When there is reasonable indication or suspicion that a person
5 under twenty-one (21) years of age has been abducted or is
6 missing under circumstances suggesting foul play or a threat to
7 life as indicated by an NCIC Missing Person code of Child
8 Abduction; or

9 b. When an AMBER Alert has been activated as indicated by an
10 NCIC Missing Person code of AMBER Alert;

11 2. Within thirty (30) days of entry into NCIC:

12 a. When a missing person alert other than an AMBER Alert has
13 been activated;

14 b. For a person of any age who is missing under circumstances
15 indicating that his or her physical safety may be in danger as
16 indicated by an NCIC Message Key of Endangered; or

17 c. For a person of any age who is missing under circumstances
18 indicating that the disappearance may not have been voluntary
19 as indicated by an NCIC Message Key of Involuntary; and

20 3. Within sixty (60) days of entry into NCIC for all other active,
21 noncancelled missing person cases and unidentified person cases that
22 do not meet the criteria set forth in subparagraphs 1. and 2. of this
23 paragraph.

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

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

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

8 ➔Section 3. Whereas it is critical to the safety of the citizens of the
9 Commonwealth to provide a process for creating a deployable workforce of qualified,
10 certified, and credentialed personnel to prepare for and respond to natural disasters and
11 emergencies of all types and sizes, an emergency is declared to exist, and Section 1 of
12 this Act takes effect upon its passage and approval by the Governor or upon its otherwise
13 becoming a law.