

1 AN ACT relating to peace officers.

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

3 ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Agency" means any law enforcement agency or local government that
7 employs peace officers;

8 (b) "Local legislative body" means the chief governing body of a city, county,
9 charter county, unified local government, consolidated local government, or
10 urban-county government, which has legislative powers;

11 (c) "Peace officer" has the same meaning as in KRS 15.310; and

12 (d) "Retaliatory personnel action" means any action that may result in the
13 suspension, termination, or reduction in grade of a peace officer.

14 (2) A peace officer shall intervene to prevent or stop another peace officer from
15 using physical force that he or she reasonably believes will cause unlawful
16 serious physical injury, death, or deprivation of civil rights under the color of
17 law.

18 (3) A peace officer who intervenes as required under subsection (2) of this section
19 shall:

20 (a) Provide or obtain emergency medical assistance for any person who has
21 been injured as a result of the use of physical force; and

22 (b) Report the intervention to the chief law enforcement officer of the agency or
23 to the local legislative body. The report shall:

24 1. Include the date, time, and location of the intervention, the identity
25 and description of the participants, and a description of the
26 intervention actions taken; and

27 2. Be made in writing within ten (10) days of the occurrence of the use of

1 force.

(4) Any peace officer who is present and who reasonably believes that serious physical injury, death, or deprivation of civil rights under the color of law by the use of physical force has occurred shall provide or obtain emergency medical assistance.

6 (5) Any peace officer who in good faith intervenes as required by subsection (2) of
7 this section shall have immunity from any civil or criminal liability.

8 (6) An agency shall not take any retaliatory personnel action against a peace officer
9 who in good faith intervenes as required by subsection (2) of this section.

(7) Any peace officer who is subject to retaliatory personnel action for intervening as required by subsection (2) of this section may bring a civil action for actual and punitive damages, court costs, and reasonable attorney's fees.

13 ➔ Section 2. KRS 15.330 is amended to read as follows:

14 (1) The council is vested with the following functions and powers:

15 (a) To prescribe standards for the approval and continuation of approval of
16 schools at which law enforcement and telecommunications training courses
17 required under KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992
18 shall be conducted, including but not limited to minimum standards for
19 facilities, faculty, curriculum, and hours of attendance related thereto;

20 (b) To prescribe minimum qualifications for instructors at such schools, except
21 that institutions of higher education shall be exempt from council
22 requirements;

23 (c) To prescribe qualifications for attendance and conditions for expulsion from
24 such schools;

25 (d) To prescribe minimum standards and qualifications for voluntary career
26 development programs for certified peace officers and telecommunicators,
27 including minimum standards for experience, education, and training, and to

issue certificates to those meeting the minimum standards;

(e) To approve, to issue, and to revoke for cause certificates to schools and instructors as having met requirements under KRS 15.310 to 15.404;

(f) To approve law enforcement officers, telecommunicators, and other persons as having met requirements under KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992;

(g) To inspect and evaluate schools at any time and to require of schools, instructors, and persons approved or to be approved under the provisions of KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992, any information or documents;

(h) To promulgate reasonable rules and administrative regulations in accordance with KRS Chapter 13A to accomplish the purposes of KRS 15.310 to 15.404 and KRS 158.4414;

(i) To monitor the Law Enforcement Foundation Program as prescribed in KRS 15.410 to 15.510;

(j) To adopt bylaws for the conduct of its business not otherwise provided for; and

(k) **To prescribe and review annually, minimum standards for:**

1. Use of force by police officers;

2. A police officer's duty to intervene; and

3. The reporting of police misconduct; and

(l) [The council shall have the authority] To certify police officers as **provided** [set out] in this chapter.

(2) The provisions of KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992 do not apply to the Department of Kentucky State Police except for the certification requirement established by this chapter.

→Section 3. KRS 413.115 is amended to read as follows:

- 1 The following actions shall be commenced within three (3) years after the cause of action
- 2 accrued:
 - 3 (1) *An action against an agency for retaliatory personnel action as described in*
 - 4 *subsection (7) of Section 1 of this Act;*
 - 5 (2) An action against an employer for wrongful discharge in violation of public policy;
 - 6 and
 - 7 (3){(2)} An action for a violation of KRS 344.030 to 344.110 or 344.372.