

1 AN ACT relating to federal immigration law enforcement.

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

3 ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section, "Task Force Model Program" means the United States
6 Immigration and Customs Enforcement program that authorizes state and local
7 law enforcement officers to enforce limited immigration authority while
8 performing routine police duties established under Section 287(g) of the
9 Immigration and Nationality Act, 8 U.S.C. sec. 1357.

10 (2) (a) Each department post shall enter into a written agreement with the United
11 States Immigration and Customs Enforcement to participate in the Task
12 Force Model Program.

13 (b) Each officer in the department who participates in the Task Force Model
14 Program shall be required to complete forty (40) hours of training.

15 ➔ Section 2. KRS 15.404 is amended to read as follows:

16 (1) (a) Any peace officers employed or appointed after December 1, 1998, who have
17 not successfully completed basic training at a school certified or recognized
18 by the Kentucky Law Enforcement Council, shall within one (1) year of their
19 appointment or employment, successfully complete a basic training course, as
20 established by KRS 15.440, at a school certified or recognized by the
21 Kentucky Law Enforcement Council or receive a basic training credit
22 approved by the Kentucky Law Enforcement Council under KRS
23 15.440(1)(d)6.

24 (b) In the event of extenuating circumstances beyond the control of an officer that
25 prevent the officer from completing basic training within one (1) year, the
26 commissioner of the department or his or her designee may grant the officer
27 an extension of time, not to exceed one hundred eighty (180) days, in which to

1 complete the training.

2 (c) Any peace officer who fails to successfully complete basic training within the
3 specified time periods, including extensions, shall lose his or her law
4 enforcement powers and his or her precertification status shall lapse. Further,
5 the peace officer shall be prohibited from serving as a peace officer for a
6 period of one (1) year from the date that his or her precertification lapses.

7 (2) (a) All peace officers with active certification status shall successfully complete
8 forty (40) hours of annual in-service training that has been certified or
9 recognized by the Kentucky Law Enforcement Council, that is appropriate to
10 the officer's rank and responsibility and the size and location of his
11 department.

12 (b) 1. Any peace officer with active certification status who is employed by a
13 law enforcement agency that has executed a written agreement with
14 the United States Immigration and Customs Enforcement to
15 participate in the Task Force Model Program established under
16 Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. sec.
17 1357, who successfully completes the mandatory training provided by
18 the United States Immigration and Customs Enforcement 287(g)
19 Immigration Authority Delegation Program shall be deemed by the
20 Kentucky Law Enforcement Council to have met the annual forty (40)
21 hours of in-service training required by paragraph (a) of this
22 subsection in the year the officer initially completes the training.

23 2. The Kentucky Law Enforcement Council shall certify the United
24 States Immigration and Customs Enforcement 287(g) Immigration
25 Authority Delegation Program as an approved in-service training
26 program that qualifies toward the annual forty (40) hours of in-service
27 training requirement established in paragraph (a) of this subsection.

1 (c) In the event of extenuating circumstances beyond the control of an officer that
2 prevent the officer from completing the in-service training within one (1)
3 year, the commissioner of the department or his or her designee may grant the
4 officer an extension of time, not to exceed one hundred eighty (180) days, in
5 which to complete the training. If the officer is unable to complete the in-
6 service training due to injury or illness that prevents him or her from working
7 as a peace officer, the one hundred eighty (180) day extension shall begin on
8 the date that the officer returns to work.

9 (d)[(e)] Any peace officer who fails to successfully complete in-service training
10 within the specified time periods, including extensions, shall lose his or her
11 law enforcement powers and his or her certification status shall be changed to
12 training deficiency status.

13 (e)[(d)] When a peace officer is deficient in required training, the commissioner
14 of the department or his or her designee shall notify the council, which shall
15 notify the peace officer and his or her agency.

16 (f) 1.[(e)] The requirements of this subsection shall be waived for the period
17 of time that a peace officer is serving on active duty in the United States
18 Armed Forces.

19 2.[(f)] This waiver shall be retroactive for peace officers from the date of
20 September 11, 2001.

21 (3) An officer who has lost his or her law enforcement powers due solely to his or her
22 failure to meet the in-service training requirements of this section may regain his or
23 her certification status and law enforcement powers upon successful completion of
24 the training deficiency.

25 (4) (a) Any constable who is elected may apply for admission to a basic training
26 course, as established by KRS 15.440, at a school certified or recognized by
27 the Kentucky Law Enforcement Council. The constable shall meet all

1 precertification requirements established pursuant to KRS 15.382 for
2 attendance. The constable shall bear all costs associated with precertification.
3 The constable shall bear all costs associated with completion of the basic
4 training course, except the costs of basic training at a course established
5 pursuant to KRS 15.340.

6 (b) The basic training course shall accept the constable for basic training so long
7 as:
8 1. The constable meets the precertification requirements; and
9 2. The basic training course has the training capacity to instruct the
10 constable.