

1 AN ACT relating to certified court security officers.

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

3 ➔Section 1. KRS 70.260 is amended to read as follows:

4 (1) The primary legislative body of each county may enact an ordinance creating a
5 deputy sheriff merit board, which shall be charged with the duty of holding
6 hearings, public and executive, in disciplinary matters concerning deputy sheriffs.

7 *The primary legislative body may include certified court security officers
8 employed by the sheriff within the purview of the board.* For the purpose of KRS
9 70.260 to 70.273, the primary legislative body of each county that does not have an
10 urban-county, consolidated local government, or charter county government shall
11 be the fiscal court.

12 (2) The reasonable and necessary expenses of the board, including the funds necessary
13 to retain an attorney to advise the board on legal matters, shall be paid out of the
14 fees and commissions collected by the sheriff. If the fees and commissions are not
15 sufficient to pay the expenses of the board and the other expenses authorized by
16 statute to be paid from these fees and commissions, the sheriff may negotiate with
17 the primary legislative body to determine a method of paying all or part of the
18 expenses of the board.

19 (3) The board shall consist of five (5) members, two (2) members appointed by the
20 county judge/executive or the chief executive officer of an urban-county
21 government or the chief executive officer of a consolidated local government
22 pursuant to the provisions of KRS 67C.139 with approval by the primary legislative
23 body, two (2) members appointed by the county sheriff, and one (1) member
24 elected by the deputy sheriffs of the county. Each board appointee shall be at least
25 thirty (30) years of age and a resident of the county. No person shall serve on the
26 board who is a deputy sheriff or who holds any elected public office. No person
27 shall be appointed to the board who is a member of the immediate family of the

1 sheriff of the county served by the board. The members of the board shall not
2 receive a salary but shall receive reimbursement for necessary expenses.

3 (4) All appointments shall be for two (2) years, and any vacancies shall be filled by the
4 sheriff or county judge/executive, or the chief executive officer of an urban-county
5 government or consolidated local government responsible for the appointment of
6 the departing board member.

7 (5) The board shall elect a chairman from its membership and keep an accurate record
8 of its proceedings.

9 (6) The board shall meet when a disciplinary matter concerning a deputy sheriff **or**
10 **certified court security officer** is brought to its attention or at other times at the
11 discretion of the board, upon notification of its members.

12 (7) Three (3) members shall constitute a quorum in all matters which may come before
13 the board.

14 (8) For the purpose of this section, "member of the immediate family" means a person's
15 father, mother, brother, sister, spouse, son, daughter, aunt, uncle, son-in-law, or
16 daughter-in-law.

17 (9) An ordinance, adopted under subsection (1) of this section by a county or
18 consolidated local government, may exclude deputy sheriffs **and certified court**
19 **security officers** who serve in policy-making or confidential positions from
20 coverage by the merit system. If the ordinance makes this exclusion, a deputy
21 sheriff **or certified court security officer** who is covered by the merit system and
22 who accepts an appointment in a policy-making or confidential position shall be
23 deemed to have received a leave of absence from the merit system during the
24 incumbency of that position. If he **or she** ceases to serve in a policy-making or
25 confidential position but continues to serve as a deputy **sheriff or certified court**
26 **security officer**, he **or she** shall be restored to coverage at the same classification
27 and rank that he **or she** held prior to his **or her** policy-making position under the

1 merit system. A deputy *sheriff or certified court security officer* who is not
2 covered by the merit system at the time he *or she* is appointed to a policy-making or
3 confidential position shall be deemed not to be part of the merit system and shall
4 not be included in the merit system when he *or she* ceases to serve in that position.

5 ➔Section 2. KRS 70.261 is amended to read as follows:

6 (1) When a county creates a deputy sheriff merit board, the board shall issue, and
7 publish within forty-eight (48) hours after their adoption, rules that are not
8 inconsistent with the provisions of KRS 70.260 to 70.273. The board shall provide a
9 certified copy of the rules to:

10 (a) The sheriff of the county who shall additionally post a copy in a conspicuous
11 place in the main office and in any branch offices where *deputy sheriffs and*
12 *certified court security officers*[deputies] are regularly assigned to work
13 from;

14 (b) The county judge/executive of the county; and

15 (c) The legislative body of the county.

16 (2) The board shall, at a minimum, adopt a body of rules that addresses the following
17 subjects:

18 (a) For deputy sheriffs *and certified court security officers*:

19 1. Qualifications for initial and continued employment, which shall at a
20 minimum include: citizenship, age, physical, mental, and educational
21 requirements;

22 2. Grounds for temporary appointments;

23 3. Advancement requirements. Deputy sheriffs *and certified court security*
24 *officers* shall be employed for at least three (3) full years before being
25 eligible for the rank of sergeant;

26 4. Factors that shall, or may, result in demotion, the procedures for
27 determining whether or not to demote a deputy *sheriff or certified court*

security officer, and the procedures for executing a demotion;

5. Factors that shall, or may, result in fining, probation, suspension, or removal; and

6. Administrative procedures for the deputy sheriffs and certified court security officers[deputies] in the office such as transfer, lay-off, and reinstatement.

(b) For the general administration of the board itself:

1. Organizational structure and conduct of meetings;

2. Procedure and conduct of public hearings as a result of the board's actions; and

3. Implementation and execution of written and oral examinations, and physical tests of fitness for appointment and promotion of deputies.

13 (3) The subsequent issuance of additional rules, or of the repeal or amendment of
14 existing rules shall follow the provisions indicated in subsection (1) of this section.

➔ Section 3. KRS 70.262 is amended to read as follows:

16 (1) Except as provided in KRS 336.130, in any county containing a consolidated local
17 government or city of the first class that has adopted a merit system under KRS
18 70.260 to 70.273, **deputy sheriffs and certified court security officers**[deputies] subject to the merit system may organize, form, join, or participate in organizations
19 in order to engage in lawful concerted activities for the purpose of collective
20 bargaining or other mutual aid and protection, and to bargain collectively through a
21 representative of their own free choice. **deputy sheriffs and certified court security**
22 **officers**[Deputies] shall also have the right to refrain from any or all of these
23 activities but shall be subject to the lawful provisions of any collective bargaining
24 agreement entered into under this section. Strikes by **deputy sheriffs and certified**
25 **court security officers**[deputies] of any collective bargaining unit shall be
26 prohibited at any time.
27

1 (2) Except as provided in KRS 336.130, in any county containing a consolidated local
2 government or city of the first class that has adopted a merit system under KRS
3 70.260 to 70.273, the sheriff shall contract with a representative of the **deputy**
4 **sheriffs and certified court security officers**~~[deputies]~~ described in subsection (1)
5 of this section employed by the sheriff where the representative has established
6 representation of a majority of the **deputy sheriffs and certified court security**
7 **officers**~~[deputies,]~~ with respect to wages, hours, and terms and conditions of
8 employment, including execution of a written contract incorporating any agreement
9 reached between the sheriff and the representative. The sheriff shall not be required
10 to bargain over matters of inherent managerial policy.

11 ➔Section 4. KRS 70.263 is amended to read as follows:

12 (1) Each person serving as a covered deputy sheriff on the effective date of an
13 ordinance that creates a deputy sheriff merit board for the county in which he **or she**
14 serves shall have successfully completed, within one (1) year following the
15 effective date of that ordinance, a basic training course as established by KRS
16 15.440 at a school certified or recognized by the Kentucky Law Enforcement
17 Council. Training approved by the Kentucky Law Enforcement Council received
18 before the effective date of the ordinance may be used to satisfy all or part of this
19 requirement.

20 (2) Each person appointed as a covered deputy sheriff in a county that has adopted a
21 deputy sheriff merit board before the date of his **or her** appointment shall have
22 successfully completed, within one (1) year following the appointment, a basic
23 training course as established by KRS 15.440 at a school certified or recognized by
24 the Kentucky Law Enforcement Council. Training approved by the Kentucky Law
25 Enforcement Council received before the effective date of the ordinance may be
26 used to satisfy all or part of this requirement.

27 (3) A deputy sheriff whose official duty is to provide security service to the courts, and

1 who is compensated pursuant to KRS 64.092, shall, the provisions of subsections
2 (1) and (2) of this section notwithstanding, satisfy the training requirements for
3 employment if he or she completes law enforcement training which the
4 Administrative Office of the Courts certifies to the sheriff as acceptable. If the
5 training was not received prior to the effective date of the ordinance creating the
6 deputy sheriff merit board, in the case of a deputy sheriff serving when the
7 ordinance was passed, or prior to appointment in the case of a deputy sheriff
8 appointed after the effective date of the ordinance, then it shall be received within
9 one (1) year following the effective date of the ordinance or the date of
10 appointment, as the case may be.

11 (4) A person serving as a court security officer who is not otherwise covered under
12 subsection (3) of this section shall within one (1) year of employment, or one (1)
13 year following the effective date of an ordinance that creates a deputy sheriff
14 merit board for the county in which he or she serves, complete the basic training
15 requirements under KRS 15.3975.

16 (5) A person failing to meet the requirements of this section shall forfeit his or her
17 position as deputy sheriff or certified court security officer immediately upon the
18 expiration of the applicable one (1) year time limit.

19 ➔Section 5. KRS 70.267 is amended to read as follows:

20 (1) A[No] deputy sheriff or certified court security officer covered by the provisions of
21 KRS 70.260 to 70.273 shall not directly or indirectly solicit, receive, or be in any
22 manner concerned in receiving, soliciting, or publicizing any assessment, gift,
23 subscription, or contribution to or for any political party or candidate for public
24 office.

25 (2) A[No] deputy sheriff or certified court security officer covered by the provisions of
26 KRS 70.260 to 70.273 shall not be suspended, laid-off, demoted, promoted,
27 disciplined, threatened, or in any way changed in duty or compensation for

1 withholding or neglecting to pay or make contributions of any sort, either in money,
2 goods, services, or anything of value for any political purpose. Nothing in this
3 subsection shall limit the power of a sheriff to revoke the appointment of a deputy
4 sheriff or certified court security officer during the probationary period described
5 in subsection (5) of this section.

6 (3) ~~A~~~~No~~ deputy sheriff or certified court security officer covered by the provisions of
7 KRS 70.260 to 70.273 shall not be a candidate for any public office. Any person
8 who violates this subsection shall forfeit his or her position as deputy sheriff or
9 certified court security officer.

10 (4) Nothing contained in this section shall be construed to abridge the rights of any
11 deputy sheriff or certified court security officer with respect to his or her personal
12 opinions, beliefs, or right to vote.

13 (5) A deputy sheriff's or certified court security officer's employment shall be
14 probationary during the first year of service following an initial appointment or a
15 promotional appointment. A sheriff may, at his or her pleasure, revoke the
16 appointment of a deputy sheriff or certified court security officer who works for
17 him or her at any time within one (1) year following the appointment.

18 ➔Section 6. KRS 70.270 is amended to read as follows:

19 (1) Any deputy sheriff or certified court security officer may be removed, suspended,
20 or laid-off by the sheriff for any cause which will promote the efficiency of the
21 department. Except when an appointment is revoked during the probationary period
22 described in KRS 70.267(5), the sheriff shall furnish a covered deputy sheriff or
23 certified court security officer with a written statement of the reason why the action
24 was taken.

25 (2) Except for the revocation of an appointment pursuant to KRS 70.267(5), every
26 action in the nature of a dismissal, suspension, or reduction made by the sheriff
27 shall be subject to review by the board at the request of any deputy sheriff or

1 **certified court security officer** affected by the provisions of KRS 70.260 to 70.273.
2 (3) Any citizen who makes written charges of misconduct, under oath, concerning the
3 actions of any deputy sheriff **or certified court security officer** covered by the
4 provisions of KRS 70.260 to 70.273 shall present the charges to the sheriff, who
5 shall investigate the charges. The sheriff shall determine what action, if any, shall
6 be taken against the deputy **sheriff or certified court security officer**, subject to the
7 limitations set out in KRS 70.260 to 70.273. The citizen may appeal the
8 determination of the sheriff to the board.

9 ➔Section 7. KRS 70.273 is amended to read as follows:

10 (1) The board may remove, suspend, lay off or discipline any deputy sheriff **or certified**
11 **court security officer** covered by the provisions of KRS 70.260 to 70.273 on
12 written charges of misconduct preferred on its own initiative or the initiative of any
13 citizen, but only after reasonable notice to the accused and after a complete public
14 hearing at which the deputy **sheriff or certified court security officer** accused shall
15 have the right to be present, represented by counsel, and confronted by all of the
16 witnesses preferring charges against him **or her**.

17 (2) Procedural due process shall be afforded to all deputy sheriffs **and certified court**
18 **security officers** by the board. The board shall notify the deputy **sheriff or certified**
19 **court security officer** promptly and in writing of any charges brought against him
20 **or her** by the board or by a citizen. The board shall have the power to issue
21 subpoenas and to compel the attendance of witnesses, and shall conduct the hearing,
22 as far as possible, within the Kentucky Rules of Civil Procedure. Any deputy
23 **sheriff or certified court security officer** who is not given a hearing within sixty
24 (60) days of any charge being preferred shall be reinstated in full.

25 (3) After a full public hearing by the board, the board shall retire into executive session
26 to discuss the evidence introduced at the hearing and to make its determination and
27 conclusion. The board in executive session shall not receive any further evidence or

1 communication from any source, except for legal advice from the board's counsel,
2 prior to reaching its determination and conclusion.

3 (4) When an appointment is revoked during the probationary period described in KRS
4 70.267(5), the action of the sheriff shall be final. In all other disciplinary matters,
5 the action of the sheriff or the board shall be final, except that any aggrieved person
6 may, within thirty (30) days after the decision is rendered, appeal to the Circuit
7 Court of the county in which the board meets. The board shall be named as
8 respondent, and the county attorney shall represent the board before the court. The
9 appeal taken to the Circuit Court shall be a review of record by the court.

10 (5) The provisions of KRS 70.260 to 70.273 shall not apply to any nonsworn employee
11 appointed by the sheriff pursuant to KRS 70.030, to any special deputy appointed
12 by the sheriff pursuant to KRS 70.045, or to a deputy **sheriff or certified court**
13 **security officer** in a policy-making or confidential position excluded from coverage
14 by the ordinance creating the deputy sheriff merit board.