

1 AN ACT relating to peace officers.

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) **"Agency" means any law enforcement agency or other unit of government listed**
7 **in KRS 15.380 that employs a certified peace officer or certified court security**
8 **officer;**

9 (2) "Basic training course" means the peace officer or court security officer basic
10 training course provided by the Department of Criminal Justice Training or a course
11 approved and recognized by the Kentucky Law Enforcement Council;

12 (3)~~(2)~~ "Certified court security officer" means a court security officer who is
13 certified under KRS 15.380 to 15.404;

14 (4)~~(3)~~ "Certified peace officer" means a peace officer who is certified under KRS
15 15.380 to 15.404;

16 (5)~~(4)~~ "Certification" means the act by the council of issuing certification to a peace
17 officer or court security officer who successfully completes the training
18 requirements pursuant to KRS 15.404 and the requirements set forth within this
19 chapter;

20 (6)~~(5)~~ "Council" means the Kentucky Law Enforcement Council established by KRS
21 15.310 to 15.510, 15.990, and 15.992;

22 (7) **"Court order" means any judgment, decree, or order restraining a person from a**
23 **possessing a firearm that was issued by a federal court or a court in the**
24 **Commonwealth or any other state after a hearing where the person received**
25 **actual notice of the hearing and was afforded the opportunity to participate;**

26 (8)~~(6)~~ "Court security officer" means a person required to be certified under KRS
27 15.380(1)(c) and who is charged with the duties set out in KRS 70.280;

1 ~~(9)~~~~(7)~~ "Department" means the Department of Criminal Justice Training of the
2 Justice and Public Safety Cabinet;

3 ~~(10)~~~~(8)~~ "Fire investigator" means a professional firefighter, as used in KRS 95A.210,
4 who has been appointed to investigate offenses under KRS Chapter 513 and to
5 exercise peace officer powers under KRS 95A.100, or a deputy fire marshal who
6 has been appointed to be a fire investigator and to exercise peace officer powers
7 under KRS 227.220;

8 ~~(11)~~~~(9)~~ "Law enforcement officer" means a member of a lawfully organized police
9 unit or police force of a county, city or metropolitan government who is responsible
10 for the detection of crime and the enforcement of the general criminal laws of the
11 state, as well as sheriffs, sworn deputy sheriffs, campus police officers, law
12 enforcement support personnel, public airport authority security officers, and other
13 public and federal peace officers responsible for law enforcement;

14 ~~(12)~~~~(10)~~ "Peace officer" means a person defined in KRS 446.010, or a fire investigator
15 appointed to exercise peace officer powers under KRS 95A.100 or 227.220;

16 ~~(13)~~~~(11)~~ "Secretary" means the secretary of the Justice and Public Safety Cabinet; and

17 ~~(14)~~~~(12)~~ "Validated job task analysis" means the minimum entry level qualifications
18 and training requirements for peace officers in the Commonwealth based upon an
19 actual survey and study of police officer duties and responsibilities conducted by an
20 entity recognized by the Kentucky Law Enforcement Council as being competent to
21 conduct such a study.

22 ➔Section 2. KRS 15.382 is amended to read as follows:

23 **Prior to being hired, any**~~any~~~~[A]~~ person **seeking to become** certified after December 1, 1998,
24 under KRS 15.380 to 15.404 or qualified under the requirements set forth in KRS
25 15.440(1)(d)6. shall~~at the time of becoming certified,~~ meet the following minimum
26 qualifications:

27 (1) Be a citizen of the United States;

- 1 (2) **Except as provided under KRS 15.408,** be at least twenty-one (21) years of age;
- 2 (3) (a) Be a high school graduate, regardless of whether the school is accredited or
3 certified by a governing body, provided that the education received met the
4 attendance and curriculum standards of Kentucky law at the time of
5 graduation, as determined by the Kentucky Department of Education; or
6 (b) Possess a High School Equivalency Diploma;
- 7 (4) Possess a valid license to operate a motor vehicle;
- 8 (5) Be fingerprinted for a criminal background check;
- 9 (6) Not have:
- 10 **(a)** Been convicted of:
- 11 **1.** Any felony;
- 12 **2.** A misdemeanor under KRS 510.120, 510.130, or 510.140;
- 13 **3.** A second or subsequent offense under KRS 510.148; or
- 14 **4.** A criminal attempt, conspiracy, facilitation, or solicitation to commit
15 any degree of rape, sodomy, sexual abuse, or sexual misconduct; or
- 16 **(b)** ~~have~~ Had any offense listed under this subsection expunged;
- 17 (7) Not be prohibited by **a court order or any** federal or state law from possessing a
18 firearm;
- 19 (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as
20 established by the council;
- 21 (9) Have not received a dishonorable discharge, bad conduct discharge, or general
22 discharge under other than honorable conditions, if having served in any branch of
23 the Armed Forces of the United States;
- 24 (10) **(a) Except as provided in paragraph (b) if this subsection,** have passed a
25 medical examination as defined by the council by administrative regulation
26 and provided by a licensed physician, physician assistant, or advanced
27 practice registered nurse to determine if he or she can perform peace officer

1 duties as determined by a validated job task analysis.

2 **(b)** ~~[However,]~~If the employing agency has its own **council-approved** validated
3 job task analysis, the person shall pass the medical examination, appropriate
4 to the agency's job task analysis, of the employing agency. All agencies shall
5 certify passing medical examination results to the council, which shall accept
6 them as complying with KRS 15.310 to 15.510;

7 (11) **(a)** Have passed a drug screening test administered or approved by the council by
8 administrative regulation.

9 **(b)** A person shall be deemed to have passed a drug screening test if the results of
10 the test are negative for the use of an illegal controlled substance or
11 prescription drug abuse.

12 **(c)** Any agency that administers its own test that meets or exceeds this standard
13 shall certify passing test results to the council, which shall accept them as
14 complying with KRS 15.310 to 15.510;

15 (12) **(a)** Have undergone a background investigation established or approved by the
16 council by administrative regulation to determine suitability for the position of
17 a peace officer.

18 **(b)** If the employing agency has established its own background investigation that
19 meets or exceeds the standards of the council, as set forth by administrative
20 regulation, the agency shall conduct the background investigation and shall
21 certify background investigation results to the council, which shall accept
22 them as complying with KRS 15.310 to 15.510;

23 (13) Have been interviewed by the employing agency;

24 (14) Not have had certification as a peace officer permanently revoked in **the**
25 **Commonwealth or** another state;

26 (15) **(a)** **Except as provided in paragraph (b) of this subsection,** have taken a
27 psychological suitability screening administered or approved by the council

1 by administrative regulation to determine the person's suitability to perform
2 peace officer duties as determined by a council validated job task analysis.

3 **(b)** ~~[However,]~~ If the employing agency has its own **council-approved** validated
4 job task analysis, the person shall take that agency's psychological suitability
5 screening, appropriate to the agency's job task analysis. All agencies shall
6 certify psychological suitability screening results to the council, which shall
7 accept them as complying with KRS 15.310 to 15.510;

8 (16) (a) **1. Except as provided in subparagraph 2. of this paragraph,** have passed
9 a physical agility test administered or approved by the council by
10 administrative regulation to determine his or her suitability to perform
11 peace officer duties as determined by a council validated job task
12 analysis.

13 **2.** ~~[However,]~~ If the employing agency has its own **council-approved**
14 validated job task analysis, the person shall take the physical agility test
15 of the employing agency. All agencies shall certify physical agility test
16 results to the council, which shall accept them as demonstrating
17 compliance with KRS 15.310 to 15.510.

18 (b) Notwithstanding paragraph (a) of this subsection, a person shall not be
19 required to pass a physical agility test if the person can provide certified
20 documentation that at the time of his or her application to the employing
21 agency, the person:

- 22 1. Is currently employed, or has been separated from service for less than
23 three (3) months, as a certified **peace**~~[law enforcement]~~ officer in
24 another state;
- 25 2. Is currently in good standing, or separated from service in good
26 standing, with the other state or law enforcement agency where he or
27 she is certified;

1 3. Has been continuously employed as a full-time certified peace~~law~~
2 ~~enforcement~~ officer in the state where he or she is certified for at least
3 ten (10) years prior to his or her application; and

4 4. Has passed a comparable physical agility test as a condition of
5 employment with the law enforcement agency in the other state where
6 he or she is certified; and

7 (17) (a) Have taken a polygraph examination administered or approved by the council
8 by administrative regulation to determine his or her suitability to perform
9 peace officer duties.

10 (b) Any agency that administers its own polygraph examination as approved by
11 the council shall certify the results that indicate whether a person is suitable
12 for employment as a peace officer to the council, which shall accept them as
13 complying with KRS 15.310 to 15.510.

14 ➔Section 3. KRS 15.3975 is amended to read as follows:

15 (1) A court security officer employed or appointed after June 26, 2007, shall satisfy the
16 basic training requirements for employment if he or she successfully completes law
17 enforcement training developed and approved by the ~~[Kentucky Law Enforcement~~
18]council and the Administrative Office of the Courts of at least eighty (80) hours.

19 (2) A court security officer employed or appointed after June 26, 2007, shall
20 successfully complete forty (40) hours of biennial in-service training that has been
21 certified or recognized by the ~~[Kentucky Law Enforcement]~~council, and that is
22 appropriate to the officer's responsibilities.

23 (3) In the event of extenuating circumstances beyond the control of a certified court
24 security officer that prevent the officer from completing the basic or in-service
25 training within the time specified in subsections (1) and (2) of this section, the
26 executive director of the council~~[commissioner of the department]~~ or his or her
27 designee may grant the officer an extension of time, not to exceed one hundred

1 eighty (180) days in which to complete the training.

2 (4) (a) Any court security officer who fails to successfully complete basic training
3 within the specified time periods, including extensions, shall lose his or her
4 court security powers and his or her precertification status shall lapse.

5 (b) Any court security officer who fails to successfully complete in-service
6 training within the specified time periods, including extensions, shall lose his
7 or her court security powers and his or her certification status shall be
8 changed to training deficiency status. When a court security officer is
9 deficient in required training, the executive director of the
10 council~~commissioner of the department~~ or his or her designee shall notify
11 ~~the council, which shall notify~~ the court security officer and his or her
12 agency.

13 (5) A certified court security officer who has lost his or her court security powers due
14 solely to his or her failure to meet the in-service training requirements of this
15 section may regain his or her certification status and court security powers upon
16 successful completion of the training deficiency.

17 ➔Section 4. KRS 15.404 is amended to read as follows:

18 (1) (a) Any peace officers employed or appointed after December 1, 1998, who have
19 not successfully completed basic training at a school certified or recognized
20 by the ~~[Kentucky Law Enforcement]~~council, shall within one (1) year of their
21 appointment or employment, successfully complete a basic training course, as
22 established by KRS 15.440, at a school certified or recognized by the
23 ~~[Kentucky Law Enforcement]~~council or receive a basic training credit
24 approved by the ~~[Kentucky Law Enforcement]~~council under KRS
25 15.440(1)(d)6.

26 (b) In the event of extenuating circumstances beyond the control of an officer that
27 prevent the officer from completing basic training within one (1) year, the

1 *executive director of the council*~~[commissioner of the department]~~ or his or
2 her designee may grant the officer an extension of time, not to exceed one
3 hundred eighty (180) days, in which to complete the training.

4 (c) Any peace officer who fails to successfully complete basic training within the
5 specified time periods, including extensions, shall:

6 1. Lose his or her law enforcement powers and his or her precertification
7 status shall lapse; and~~[. Further, the peace officer shall]~~

8 2. Be prohibited from serving as a peace officer for a period of one (1) year
9 from the date that his or her precertification lapses.

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

15 (b) In the event of extenuating circumstances beyond the control of an officer that
16 prevent the officer from completing the in-service training within one (1)
17 year, the *executive director of the council*~~[commissioner of the department]~~
18 or his or her designee may grant the officer an extension of time, not to
19 exceed one hundred eighty (180) days, in which to complete the training. If
20 the officer is unable to complete the in-service training due to injury or illness
21 that prevents him or her from working as a peace officer, the one hundred
22 eighty (180) day extension shall begin on the date that the officer returns to
23 work.

24 (c) Any peace officer who fails to successfully complete in-service training
25 within the specified time periods, including extensions, shall lose his or her
26 law enforcement powers and his or her certification status shall be changed to
27 training deficiency status.

- 1 (d) When a peace officer is deficient in required training, the executive director
2 of the council~~commissioner of the department~~ or his or her designee ~~shall~~
3 ~~notify the council, which~~ shall notify the peace officer and his or her agency.
- 4 (e) The requirements of this subsection shall be waived for the period of time that
5 a peace officer is serving on active duty in the United States Armed Forces.
- 6 (f) This waiver shall be retroactive for peace officers from the date of September
7 11, 2001.
- 8 (3) An officer who has lost his or her law enforcement powers due solely to his or her
9 failure to meet the in-service training requirements of this section may regain his or
10 her certification status and law enforcement powers upon successful completion of
11 the training deficiency.
- 12 (4) (a) Any constable who is elected may apply for admission to a basic training
13 course, as established by KRS 15.440, at a school certified or recognized by
14 the ~~[Kentucky Law Enforcement]~~ council. The constable shall:
- 15 1. Meet all precertification requirements established pursuant to KRS
16 15.382 for attendance; and~~and~~ ~~The constable shall~~
- 17 2. Bear all costs associated with:
- 18 a. Precertification; and~~and~~ ~~The constable shall bear all costs associated~~
19 ~~with~~
- 20 b. Completion of the basic training course, except the costs of a basic
21 training course provided under~~at a course established pursuant~~
22 ~~to~~ KRS 15.340(5).
- 23 (b) The basic training course shall accept the constable for basic training so long
24 as:
- 25 1. The constable meets the precertification requirements; and
26 2. The basic training course has the training capacity to instruct the
27 constable.

1 ➔ Section 5. KRS 15.405 is amended to read as follows:

2 (1) ~~{As used in this section, "agency" means any law enforcement agency, or other unit~~
3 ~~of government listed in KRS 15.380, that employs a certified peace officer.~~

4 ~~(2) —~~ (a) Subject to subsection ~~(4)~~~~(5)~~ of this section, any agency may make a
5 conditional offer of employment to a candidate pending its receipt and
6 evaluation of a response to its request for information from:

7 1.~~{(a)}~~ The council regarding the certification status of any candidate,
8 including if the council has:

9 a.~~{1.}~~ Received any notification under subsection KRS 15.391(4) related
10 to the candidate;

11 b.~~{2.}~~ Initiated hearing procedures under KRS 15.391 against the
12 candidate; or

13 c.~~{3.}~~ Started investigating whether to initiate hearing procedures for the
14 revocation of the certification of the candidate under KRS 15.391;
15 or

16 2.~~{(b)}~~ Any agency that previously employed the candidate for any
17 information the agency is required to provide under subsection ~~(2)~~~~(3)~~
18 of this section.

19 **(b) An agency shall request the information described under paragraph (a) of**
20 **this subsection prior to making a conditional offer of employment.**

21 ~~(2)~~~~(3)~~ Any agency that receives an inquiry under subsection ~~(1)~~~~(2)~~ of this section
22 from another agency regarding a candidate for a peace officer position who was
23 formerly employed by the agency shall provide the following documentation to the
24 hiring agency:

25 (a) A complete copy of the peace officer's personnel file;

26 (b) Any documentation related to the arrest or prosecution of the peace officer
27 that the agency maintained;

1 (c) Any documentation related to a completed internal administrative
2 investigation of the peace officer; and

3 (d) Any documentation related to an incomplete internal administrative
4 investigation of the peace officer that was not completed because of the
5 officer's resignation or retirement while the investigation was pending.

6 ~~(3)~~~~(4)~~ The council and any agency that receives a request for information shall
7 provide it to the requesting hiring agency no later than fourteen (14) days following
8 the receipt of the request.

9 ~~(4)~~~~(5)~~ The hiring agency that elects to make a conditional offer of employment
10 subject to its receipt and evaluation of information pursuant to this section shall
11 require the candidate to complete a waiver and release of liability authorizing the
12 hiring agency to request the information from all prior agencies, which may include
13 employing agencies outside of the Commonwealth.

14 ~~(5)~~~~(6)~~ The council, any agency, and the employees and officers of the council or any
15 agency shall be immune from any civil liability for disclosing information pursuant
16 to the provisions of this section and from any civil liability for the consequences of
17 such a disclosure unless the information disclosed was knowingly false or
18 deliberately misleading, was rendered with malicious purpose, or was in violation
19 of any civil right of the former employee.

20 ➔Section 6. KRS 15.992 is amended to read as follows:

21 Any person who knowingly violates any of the provisions of KRS 15.350 to 15.370 or
22 Section 5 of this Act shall be fined not less than twenty-five dollars (\$25) nor more than
23 one thousand dollars (\$1,000).