

1 AN ACT relating to missing persons.

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

3 ➔Section 1. KRS 15.440 is amended to read as follows:

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

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

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

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

14 (d) 1. Requires all police officers to successfully complete a basic training
15 course of nine hundred twenty-eight (928) hours' duration within one (1)
16 year of the date of employment at a school certified or recognized by the
17 council, which may provide a different number of hours of instruction as
18 established in this paragraph, except that each police officer employed
19 prior to the date on which the officer's police department was included
20 as a participant under KRS 15.410 to 15.510 shall be deemed to have
21 met the requirements of this subsection.

22 2. As the exclusive method by which the number of hours required for
23 basic training courses shall be modified from that which is specifically
24 established by this paragraph, the council may, by the promulgation of
25 administrative regulations in accordance with the provisions of KRS
26 Chapter 13A, explicitly set the exact number of hours for basic training
27 at a number different from nine hundred twenty-eight (928) hours based

1 upon a training curriculum approved by the Kentucky Law Enforcement
2 Council as determined by a validated job task analysis.

3 3. If the council sets an exact number of hours different from nine hundred
4 twenty-eight (928) in an administrative regulation as provided by this
5 paragraph, it shall not further change the number of hours required for
6 basic training without promulgating administrative regulations in
7 accordance with the provisions of KRS Chapter 13A.

8 4. Nothing in this paragraph shall be interpreted to prevent the council,
9 pursuant to its authority under KRS 15.330, from approving training
10 schools with a curriculum requiring attendance of a number of hours
11 that exceeds nine hundred twenty-eight (928) hours or the number of
12 hours established in an administrative regulation as provided by
13 subparagraphs 2. and 3. of this paragraph. However, the training
14 programs and schools for the basic training of law enforcement
15 personnel conducted by the department pursuant to KRS 15A.070 shall
16 not contain a curriculum that requires attendance of a number of hours
17 for basic training that is different from nine hundred twenty-eight (928)
18 hours or the number of hours established in an administrative regulation
19 promulgated by the council pursuant to the provisions of KRS Chapter
20 13A as provided by subparagraphs 2. and 3. of this paragraph.

21 5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph
22 to the contrary notwithstanding, the council may, through the
23 promulgation of administrative regulations in accordance with KRS
24 Chapter 13A, approve basic training credit for:

- 25 a. Years of service credit as a law enforcement officer with previous
26 service in another state; and
27 b. Basic training completed in another state.

- 1 6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph
2 to the contrary notwithstanding, the council may, through the
3 promulgation of administrative regulations in accordance with KRS
4 Chapter 13A, approve basic training credit for:
- 5 a. Completion of eight hundred forty-eight (848) hours of training at
6 a school established pursuant to KRS 15A.070;
- 7 b. A minimum of fifteen (15) years of experience as a certified law
8 enforcement instructor at a school established pursuant to KRS
9 15A.070;
- 10 c. Completion of an average of forty (40) hours of Kentucky Law
11 Enforcement Council approved in-service training annually from
12 January 1, 1997, through January 1, 2020;
- 13 d. Three (3) years of active, full-time service as a:
- 14 i. City, county, urban-county, charter county, consolidated
15 local, or unified local government police officer;
- 16 ii. Sheriff's deputy, excluding special deputies appointed under
17 KRS 70.045;
- 18 iii. Department of Kentucky State Police officer; or
- 19 iv. Kentucky Department of Fish and Wildlife Resources game
20 warden exercising peace officer powers under KRS 150.090;
- 21 and
- 22 e. Completion of the:
- 23 i. Twenty-four (24) hour legal update Penal Code course;
- 24 ii. Sixteen (16) hour legal update constitutional procedure
25 course; and
- 26 iii. Forty (40) hour basic officer skills course within one (1) year
27 prior to applying for certification;

- 1 (e) Requires all police officers to successfully complete each calendar year an in-
2 service training course, appropriate to the officer's rank and responsibility and
3 the size and location of the officer's police department, of forty (40) hours'
4 duration, at a school certified or recognized by the council which may include
5 a four (4) hour course which meets the requirements of paragraph ~~(k)(j)~~ of
6 this subsection. This in-service training requirement shall be waived for the
7 period of time that a peace officer is serving on active duty in the United
8 States Armed Forces. This waiver shall be retroactive for peace officers from
9 the date of September 11, 2001;
- 10 (f) Complies with all provisions of law applicable to police officers or police
11 departments, including transmission of data to the centralized criminal history
12 record information system as required by KRS 17.150 and transmission of
13 reports as required by KRS 15.391;
- 14 (g) Complies with all rules and regulations, appropriate to the size and location of
15 the police department issued by the cabinet to facilitate the administration of
16 the fund and further the purposes of KRS 15.410 to 15.510;
- 17 (h) Possesses a written policy and procedures manual related to domestic violence
18 for law enforcement agencies that has been approved by the cabinet. The
19 policy shall comply with the provisions of KRS 403.715 to 403.785. The
20 policy shall include a purpose statement; definitions; supervisory
21 responsibilities; procedures for twenty-four (24) hour access to protective
22 orders; procedures for enforcement of court orders or relief when protective
23 orders are violated; procedures for timely and contemporaneous reporting of
24 adult abuse and domestic violence to the Cabinet for Health and Family
25 Services, Department for Community Based Services; victim rights,
26 assistance, and service responsibilities; and duties related to timely
27 completion of records;

1 (i) Possesses by January 1, 2023, a written policy and procedures manual related
2 to sexual assault examinations that meets the standards provided by, and has
3 been approved by, the cabinet, and which includes:

- 4 1. A requirement that evidence collected as a result of an examination
5 performed under KRS 216B.400 be taken into custody within five (5)
6 days of notice from the collecting facility that the evidence is available
7 for retrieval;
- 8 2. A requirement that evidence received from a collecting facility relating
9 to an incident which occurred outside the jurisdiction of the police
10 department be transmitted to a police department with jurisdiction
11 within ten (10) days of its receipt by the police department;
- 12 3. A requirement that all evidence retrieved from a collecting facility under
13 this paragraph be transmitted to the Department of Kentucky State
14 Police forensic laboratory within thirty (30) days of its receipt by the
15 police department;
- 16 4. A requirement that a suspect standard, if available, be transmitted to the
17 Department of Kentucky State Police forensic laboratory with the
18 evidence received from a collecting facility;
- 19 5. A process for notifying the victim from whom the evidence was
20 collected of the progress of the testing, whether the testing resulted in a
21 match to other DNA samples, and if the evidence is to be destroyed. The
22 policy may include provisions for delaying notice until a suspect is
23 apprehended or the office of the Commonwealth's attorney consents to
24 the notification, but shall not automatically require the disclosure of the
25 identity of any person to whom the evidence matched; and
- 26 6. A requirement that DNA samples collected as a result of an examination
27 performed under KRS 216B.400 that are voluntarily submitted solely for

elimination purposes shall not be checked against any DNA index,
retained, or included in any DNA index;

(j) Possesses a written policies and procedures manual related to submitting information to the National Missing and Unidentified Persons System. The policy shall require law enforcement agencies to refer missing persons case information to the Department of Kentucky State Police for submission into the National Missing and Unidentified Persons System within:

1. Thirty (30) days of receiving a missing persons report for cases in which the missing person is a minor; and

2. Sixty (60) days of receiving a missing persons report for all other cases; and

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

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

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

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

➔Section 2. KRS 15.512 is amended to read as follows:

Each law enforcement agency or other employing agency whose officers are required to

1 meet the training requirements of KRS 15.440(1)(~~k~~)(~~g~~) shall retain a record of each of
2 its officers having met the biennial training. These records shall be made available upon
3 request to the Kentucky Law Enforcement Council and to the Justice and Public Safety
4 Cabinet.