Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

| Bill Request #: 1295 | | | | | | | |
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| Bill #: SB 115 GA | | | | | | | |
| Document ID #: | | | | | | | |
| Bill Subject/Title: AN ACT relating to alcoholic beverage control investigators. | | | | | | | |
| Sponsor: Senator Dan "Malano" Seum | | | | | | | |
| Unit of Government: X City X County X Urban-County Unified Local | | | | | | | |
| Charter County X Consolidated Local Government | | | | | | | |
| Office(s) Impacted: Alcoholic Beverage Control | | | | | | | |
| Requirement: <u>X</u> Mandatory Optional | | | | | | | |
| Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing | | | | | | | |

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 115 GA would amend KRS 15.380 to make it mandatory that local alcoholic beverage control (ABC) investigators appointed under KRS Chapter 241 on or after April 1, 2019 be certified by the Kentucky Law Enforcement Council (KLEC), if the minimum standards in KRS 15.380 to 15.404 have been met. The bill would exempt from the certification requirement local alcoholic beverage control investigators appointed before April 1, 2019. Under KRS 241.090 all ABC investigators have the full police powers of peace officers.

SB 115 GA would have a minimal fiscal impact on local governments. The minimum standards for certification under KRS 15.380-15.404 include being fingerprinted for a criminal back ground check, passing a medical examination, psychological suitability screening, physical agility test, taking and passing a polygraph examination, and meeting the marksmanship qualification requirement. An agency (including city or county agency) may administer its own tests, or the KLEC shall administer them. The cost for the tests administered by KLEC are as follows:

- 1. Physical agility no cost
- 2. Suitability screening \$65
- 3. Polygraph \$100
- 4. Drug Screen \$16

An agency may petition for waiver of the costs on a showing of undue hardship. KLEC may also allow an agency additional time for payment.

Each certified peace officer (including local ABC investigators) must also meet the marksmanship qualification requirement, offered by a qualified firearms instructor or a concealed carry deadly weapons (CCDW) instructor. If the certified peace officer attends an instruction course through a CCDW instructor, the cost is \$85 for the course, and an additional \$60 for the concealed carry permit processing fees payable through the county's sheriff's department.

Certification also requires completion of a basic training course and completion of 40 hours in-service training annually thereafter. KLEC offers a basic training course to persons in an eligible category, which includes ABC field representatives and investigators. Per regulation at 502 KAR 3:030, tuition, room and board during the training are free to persons employed full time as a sworn law enforcement officer in an eligible category. Persons employed part time in an eligible category, whether sworn or unsworn, are eligible to receive free tuition.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The LM statement to SB 115 GA is the same as the LM statement to SB 115 as introduced. No substitutes or amendments were adopted when the bill passed the Senate.

| Data Source(s): | Kentucky Law Enforcement Council; Department of Justice; Departm | | | | |
|-----------------|--|--|--|--|--|
| | of Criminal Justice Training | | | | |

| Preparer: | Mary Stephens | Reviewer: | KHC | Date: | 2/22/19 |
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