

**COMMONWEALTH OF KENTUCKY FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2019 REGULAR SESSION**

MEASURE

2019 BR NUMBER 1199

SENATE BILL NUMBER 123

TITLE AN ACT relating to the Law Enforcement Foundation Program fund.

SPONSOR Senator Danny Carroll

FISCAL SUMMARY

STATE FISCAL IMPACT: ☒ YES ☐ NO ☐ UNCERTAIN

OTHER FISCAL STATEMENT(S) THAT MAY APPLY: ☒ ACTUARIAL ANALYSIS ☒ LOCAL MANDATE ☐ CORRECTIONS IMPACT ☐ HEALTH BENEFIT MANDATE

APPROPRIATION UNIT(S) IMPACTED: Criminal Justice Training

FUND(S) IMPACTED: ☒ GENERAL ☐ ROAD ☐ FEDERAL ☒ RESTRICTED Kentucky Law Enforcement Foundation Program Fund

FISCAL ESTIMATES	2018-2019	2019-2020	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES			
EXPENDITURES		\$50,300	Indeterminable
NET EFFECT		(\$50,300)	(Indeterminable)

() indicates a decrease/negative

PURPOSE OF MEASURE: To expand participation within the Kentucky Law Enforcement Foundation Program Fund (KLEFPF) to include detectives employed by the Jefferson County Attorney's Office beginning July 1, 2019.

FISCAL EXPLANATION: SB 123 will increase KLEFPF expenditures beginning in fiscal year (FY) 2020. An increase in expenditures will stem from providing this new cohort of local officers, "detectives", with a \$4,000 stipend, required contributions to the officer's retirement plan, and a 7.65 percent administrative expense reimbursement on the total supplement greater than \$3,100.

The Jefferson County Attorney's Office currently employs ten detectives who would qualify to receive a KLEFPF stipend based on SB 123. For the purposes of this fiscal note, FY 2020 expenditures are estimated to be \$50,300 for the stated population of ten detectives.

Defining Jefferson County Attorney's Office's detectives as "police officers" under KRS 15.420 has the potential to reduce employer contributions to the County Employees Retirement System (CERS) Nonhazardous plan. Specifically, city and county police departments, as well as sheriff

departments, are exempt from paying employer contributions and insurance reimbursements normally due on retired members who were at some point recipients of the KLEFPF stipend. A loss in contributions from these specific employers means other participating CERS employers will bear higher costs as a consequence. The state's fiscal exposure in this scenario lies in the Judicial Branch's employment of around 1,500 personnel participating in CERS Nonhazardous, as well as the KLEFPF's reimbursement of CERS employer contributions.

A note of caution, there doesn't seem to be a consistent position description of "detective" utilized within County Attorney Offices. For example, the position of investigator is utilized quite frequently within various county attorney offices across the state. The existing KLEFPF statutes control qualifications for distributions from the fund, but SB 123 could trigger the hiring of additional detectives or additional training to gain more Peace Officer Professional Standards (POPS) certified staff; however, at this time, it is unknown to what extent that could potentially happen.

It should be noted that according to a recent survey provided by the Office of the Prosecutors Advisory Council, McCracken, Pulaski, Fulton, Henderson, Warren, and Logan County Attorney's offices all employ detectives; however, based on current information, these positions would not meet the other necessary qualifications required to receive a KLEFPF stipend, e.g. part-time position, not POPS certified, etc.

*KRS 6.945 may apply and any fiscal impact upon cities would be addressed in a local mandate.

DATA SOURCE(S): Department of Criminal Justice Training, Jefferson County Attorney's Office, Office of the Prosecutor Advisory Council, and LRC Staff
PREPARER: Savannah Wiley, Zach Ireland, and Seth Dawson NOTE NUMBER: 54 REVIEW:
JAB DATE: 2/19/2019