



Section 2 amends the training requirements for law enforcement agency eligibility for Kentucky Law Enforcement Foundation Program (KLEFP) funding by permitting the current in-service training of 40 hours to also include four hours in emergency vehicle operation. All police officers must now complete a training course, certified by the council, of at least four hours in emergency vehicle operation by December 31, 2022, and every two years thereafter.

Section 3 requires the Transportation Cabinet to *revoke* the license of a motor vehicle operator who has been convicted of fleeing or evading police in the second degree when the offense involved the operation of a motor vehicle. Section 4 requires each law enforcement agency or other employing agency with officers subject to the emergency vehicle operation training to keep a record of its officers having met the biennial training, and to make the records available upon request to the Kentucky Law Enforcement Council and to the Justice and Public Safety Cabinet. Section 5 names Section 1 of the Act as “Jill’s Law.”

**The bill may have an indeterminable to minimal negative fiscal impact initially, but it may have a minimal to moderate positive fiscal impact after pursuit policies are developed.** There may be a minimal cost associated with developing pursuit policies, training officers, and maintaining records for some law enforcement agencies. Because the new policies may be based upon already-established *model* policies, there could be no additional cost for development. Training may be included within *existing* training already required for officers, so there may not be any additional expense. Records must already be maintained, thus maintaining additional records should be a minimal additional expense.

The Kentucky League of Cities reported that the required pursuit policies may result in fewer instances of police officer death and injury, and would further reduce costs associated with insurance, vehicle repairs, and civil judgments. KLC indicated that most cities already have pursuit policies, and that those that do not could use a municipal order (which does not need to be published in a newspaper) and a model pursuit policy provided by KLC. There should be little if any cost with submitting a copy of the policy to the Justice and Public Safety Cabinet.

Because the bill specifically prohibits extending liability for failure to follow pursuit policies, there should be no additional expense for failure to develop or follow the policies.

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

Part II, above, refers to HB 298/GA. **The fiscal impact of HB 298 GA has not changed from that of HB 298 HCS 1.** HB 298 GA keeps most of the substantive provisions of HB 298 that relate to the local mandate, but it makes the following changes:

- requires all police officers to complete a four hour training course in emergency vehicle operation by December 31, 2022, and every two years thereafter. This requirement is necessary for KLEFP funding;

- requires license revocation when a person is convicted of fleeing or evading police in the second degree *when the offense involved the operation of a motor vehicle*. The requirement for operation of a motor vehicle was not in HB 298 HCS 1;
- deletes the old Section 2, which would have prohibited a law enforcement officer who is not certified under KRS 15.510-15.510 or who has not completed a Kentucky Law Enforcement Council course and four hours in each calendar year in emergency vehicle operation from engaging in vehicular pursuit of a person who has violated or suspected to have violated state law and who is actively attempting to elude any elected peace officer;
- deletes the old Section 5, which would have required the court to *suspend* the license of a person convicted of fleeing or evading the police for a period of at least 30 days to no more than one year; and
- inserts a new Section 4, which requires the each law enforcement agency or other employing agency with officers subject to the emergency vehicle operation training to keep a record of its officers having met the biennial training, and to make the records available upon request to the Kentucky Law Enforcement Council and to the Justice and Public Safety Cabinet

HB 298 HCS 1 kept most of the substantive provisions of HB 298 as introduced but made the following changes:

- deleted the Open Records exemption for law enforcement agencies' vehicular pursuit policies;
- deleted the requirement that state agencies suspend delivery of discretionary payments of state funds to a law enforcement agency that had not provided the Justice Cabinet with a copy its vehicle pursuit policy;
- rewrote the prohibition against elected law enforcement officers from engaging in vehicular pursuit unless they had completed a Kentucky Law Enforcement Council-approved course and four hours each year in emergency vehicle operation;
- reduced the number of required in-service training in emergency vehicle operation from eight hours to four hours;
- deleted the fine of \$50 to \$200 for an elected law enforcement officer convicted of malfeasance in office for engaging in unauthorized vehicular pursuit; and
- deleted the driver's license suspension related specifically to a person under 18. The result of this deletion was to subject persons under 18 to the same standard/penalty as those over the age of 18, namely a suspension of 30 days to one year.

**Data Source(s):** LRC Staff; Kentucky League of Cities

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