

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2020 Regular Session**

Part I: Measure Information

Bill Request #: 982

Bill #: HB 298 SCS 1

Document ID #: 7779

Bill Subject/Title: AN ACT relating to police pursuit policies and making an appropriation therefor.

Sponsor: Rep. James A. Tipton

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
 Government

Office(s) Impacted: Local law enforcement

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

HB 298 SCS 1, Section 1, requires law enforcement agencies to develop (by January 1, 2021) written policies that establish standards for police vehicular pursuit of a person who has violated (or suspected to have violated) state law. The policy may be a national or state organization model if it addresses the criteria requirements in the bill, and each agency must file its policy with the Justice Cabinet. Officers in each law enforcement agency must provide the agency with written confirmation that the officer received a copy of the policy and had training on it.

The agency must review the policy annually, revise if necessary, and file any revision with the cabinet. None of the requirements regarding the policies may be used to mandate actions during a particular pursuit, restrict an agency from adopting additional policies, or create civil liability on the officers or agencies.

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 SCS 1. **The fiscal impact of HB 298 SCS 1 has not changed from that of HB 298 GA.** HB 298 SCS 1 keeps the substantive provisions of HB 298 GA that relate to the local mandate but made technical changes to the text.

The fiscal impact of HB 298 GA did not change from that of HB 298 HCS 1. HB 298 GA kept most of the substantive provisions of HB 298 HCS 1 that related to the local mandate, but it made the following changes:

- required 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 was necessary for KLEFP funding;
- required 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;
- deleted the old Section 2, which would have prohibited a law enforcement officer who is not certified under KRS 15.510-15.510 or who had 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 had violated or suspected to have violated state law and who was actively attempting to elude any elected peace officer;
- deleted 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
- inserted a new Section 4, which required 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

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/26/20