

- The destruction or disposal of medical supplies possessed by emergency medical personnel;
- The prevention of a person from recording law enforcement during the course of their duties; and
- The use of active denial systems, kinetic energy projectiles, chemical agents, or long-range acoustic devices unless a peace officer reasonably believes that such force is necessary to protect another person from imminent serious physical injury or death.

If a law enforcement agency violates this section, KLEC may suspend the agency from participating in or reduce the amount of funds it receives from the Kentucky Law Enforcement Foundation Program (KLEFP) fund for no less than one year and not more than five years.

Section 5 adds a new section of KRS Chapter 15 to prohibit the procurement of certain property from a military equipment surplus program. It requires local law enforcement to forfeit or dispose of specified federal military surplus items within 180 days after the effective date of this legislation, if currently possessed.

Sections 6, 7, 8, 9, 10 amends KRS 15.440, 61.168, 61.912, 61.914, and 532.100 respectively, to conform.

The overall fiscal impact to local law enforcement is not determinable. Local agencies will have training costs, but these should not be significant. The potential loss of KLEFP monies could be significant depending on the size and budget of each agency. Expected impact is likely to be moderate, if provisions of Section 4 are violated and the law enforcement agency is suspended by KLEC from receiving funds from KLEFP.

The KLEFP fund was created by the General Assembly to support law enforcement by attracting and retaining competent, highly-qualified and experienced officers. KLEFP provides an annual supplement to qualified peace officers in the amount of \$4,000.

According to the Kentucky Fraternal Order of Police, KLEFP funds ensures that officers are regularly trained and is recognized for its law enforcement training practices.

Each unit of local government receives an amount equal to the required employer's contribution on the supplement to the retirement plan and duty category to which the officer belongs. Additionally, each agency receives an administrative expense reimbursement equal to 7.65% of the total annual supplement received for each qualified peace officer, subject to the fund having sufficient funds. The average amount an agency receives for each officer receiving the supplement is \$333 per year.

Loss of the annual supplement may result in higher vacancies as qualified peace officers leave for other agencies. This would result in higher personnel costs related to recruiting and training of new officers. According to the Kentucky Department of Criminal Justice

Training (DCJT), the cost for pre-employment screening of prospective law enforcement officers ranges between \$400 and \$500. Reimbursement is sought from the requesting agency of \$181 with the balance covered by KLEC. The cost of law enforcement basic training is borne entirely by DCJT, whose primary funding source is the KLEFP fund. Kentucky law enforcement agencies do not pay for any costs of basic training, however, the hiring agencies pay salary to their cadets throughout their training. The Law Enforcement Basic Training Academy takes 20 weeks to complete the 824.5-hour curriculum. Additionally, it is likely the agency will also have increased salary costs due to overtime for existing officers until the new recruit completes their training.

According to KLEC, there are 369 law enforcement agencies that participate in KLEFP fund distribution which provides supplements to 7,715 qualified peace officers.

Costs associated with disposal of prohibited items prescribed in this legislation, may be covered by any sales revenue generated from surplus sales or if an item cannot be sold, costs for destruction of property. Generally, it is not expected that this will have a significant impact on local law enforcement agencies.

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

Part II, above, pertains to the bill as introduced.

Data Source(s): Kentucky Law Enforcement Council, Kentucky Department of Criminal Justice Training, Kentucky Fraternal Order of Police, LRC Staff

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 1/12/21