

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 232

Bill #: SB 233

Document ID #: 682

Bill Subject/Title: AN ACT relating to the revocation of peace officer certification.

Sponsor: Senator Morgan McGarvey

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**

This legislation amends KRS 15.391 to require the Kentucky Law Enforcement Council (KLEC) to revoke a peace officer’s certification, if the peace officer is convicted of domestic violence. It also allows the council to revoke a certification if the peace officer is named as an adverse party in a domestic violence order or interpersonal protective order. It further stipulates that an agency that has knowledge of any officer who meets the conditions above, must report that condition to KLEC within 15 days of gaining that knowledge.

Any unit of government with a law enforcement agency that employs a paid police or sheriff’s force in accordance with the requirements of KRS 15.440, is eligible to participate in the Kentucky Law Enforcement Foundation Program Fund (KLEFP).

A law enforcement agency that has knowledge of a peace officer in its employment who meets the revocation conditions outlined in this legislation and fails to report them to

KLEC, may be suspended from participating in the KLEFP fund for a maximum period of five years.

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. Each unit of local government also 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 KLEFP 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 of \$181 is sought from the requesting agency 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. During this time, local agencies pay the cadets salary. Additionally, it is likely the agency will also have increased salary costs due to overtime for existing officers to cover the vacancies.

A local law enforcement agency is not likely to retain a peace officer who is not certified. Law enforcement agencies typically deal with replacing peace officers during its normal course of operations. **The fiscal impact of replacing an officer whose certification has been revoked, is not likely to be significant.**

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

The overall fiscal impact of this legislation is indeterminable. The likelihood of a local law enforcement agency being suspended from participating in KLEFP distributions is low, however, the potential loss of KLEFP monies could be significant depending on the size and budget of each agency. Agencies that cannot offer KLEFP funds to current peace officers will probably experience higher than normal resignations or retirements. Filling vacant positions becomes more difficult as experienced and certified peace officers are not likely to apply, thus leaving the agency to hire new untrained and uncertified recruits.

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

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

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

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/11/21