

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session**

Part I: Measure Information

Bill Request #: 177

Bill #: HB 206 GA

Document ID #: 5885

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

Sponsor: Representative Rachel Roberts

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated 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 bill prohibits anyone who has been convicted of various misdemeanor offenses and inchoate offenses (i.e. attempt, solicitation, and conspiracy) under KRS Chapter 510 from being certified as a peace officer.

Section 1 amends KRS 15.382 to prohibit anyone who has been convicted of the following misdemeanor offenses and inchoate offenses from being certified as a peace officer:

- KRS 510.120—Sexual abuse in the 2nd degree;
- KRS 510.130—Sexual abuse in the 3rd degree;
- KRS 510.140—Sexual misconduct;
- A second or subsequent offense of KRS 510.148—Indecent exposure in first degree; or
- A criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct.

Section 2 amends KRS 15.386 to prohibit peace officers who have been convicted of the various misdemeanor offenses and inchoate offenses under KRS Chapter 510 as listed in Section 1, from returning to active certification from inactive status.

Similarly, Section 3 amends KRS 15.391 to provide that a peace officer's certification shall be revoked if he or she pleads guilty to, is convicted of, or enters an Alford plea to various misdemeanor offenses and inchoate offenses under KRS Chapter 510 or if committed in another state, that would, if in this state, constitute a misdemeanor under the stated provisions of KRS Chapter 510.

Local law enforcement agencies are not likely to retain a peace officer who has lost their certification. The resulting fiscal impact on an agency is not likely to be significant due to the low incidence of this occurring. These agencies typically deal with staff turnover, including peace officers in the normal course of business. However, these agencies still incur expenses in filling vacant peace officer positions. In cases where hiring an already trained and certified peace officer is not possible, local agencies will have costs associated with recruiting and training.

According to the Kentucky Department of Criminal Justice Training (DOCJT), 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 Kentucky Law Enforcement Council (KLEC). The cost of law enforcement basic training is borne entirely by DOCJT, whose primary funding source is Kentucky Law Enforcement Foundation Program Fund (KLEFPF). Law enforcement agencies do not pay for any costs of basic training, however, they pay the cadet's salary throughout their training. The Law Enforcement Basic Training Academy takes 20 weeks to complete the 824.5-hour curriculum. It is likely the agency will have increased salary costs due to overtime for existing officers to cover vacancies until the newly trained peace officer can report for duty.

The overall fiscal impact of this legislation is indeterminable. Any vacancy in a peace officer position likely has a negative impact on the agency's budget, but the overall effect is expected to be minimal.

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

Part II, above, pertains to HB 206 GA version. The GA version is the same as the bill as introduced. It passed its chamber of origin without any amendments or substitutes.

Data Source(s): LRC Staff, Kentucky Department of Criminal Justice Training

Preparer: MJO (wfb) **Reviewer:** MKDL **Date:** 2/24/22