

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2023 Regular Session**

Part I: Measure Information

Bill Request #: 1381

Bill #: HB 373 HCS 1

Document ID #: 4972

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

Sponsor: Representative John C. Blanton

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

Office(s) Impacted: Police, Fire Investigators, Jails, Sheriffs

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

Section 1:

Clarifies the definition of "fire investigator" to be a professional firefighter who has been appointed to investigate offenses under KRS Chapter 513, Arson and Related Offenses.

Removes special local peace officers appointed under KRS 61.360 from the definition of Law Enforcement Officer.

Section 2:

Removes court security officers and county detectives appointed to assist the county attorney in district court criminal cases and appointed after July 1, 2019, from being required to be certified by the Kentucky Law Enforcement Council.

Provides that local alcoholic beverage control investigators appointed before April 1, 2019, *may* be certified by the Kentucky Law Enforcement Council. Currently, they are exempt from this requirement.

Section 3 and Section 8:

Expands the minimum qualifications to becoming a police officer to include not having a felony or misdemeanor conviction related to criminal attempt, conspiracy, facilitation, or sonication to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct, expunged. Likewise, the minimum requirement for a court security officer is not having been convicted **or** his or her record expunged of a misdemeanor or felony sex crime.

Section 4:

Provides that if a person has been on inactive status for less than one year, and was up to date with required training at time of his or her departure, he or she shall not be required to have more training in order to return to active status. The individual shall not have been convicted or have had his or her record expunged of a misdemeanor of felony sex crime.

Section 5:

Provides that an active investigation conducted by the Kentucky Law Enforcement Council into the reasons surrounding a peace officer certification revocation is confidential. The council may subpoena records needed as part of the investigation.

Section 7:

Provides that court security officers may have their certification revoked for the same reasons as a police officer and as detailed in KRS 15.391.

Section 9 and 10:

Requires that a telecommunicator must meet specific guidelines of the Kentucky Law Enforcement Council prior to being hired by a local agency.

Sections 11, 12, and 14:

Provides that sheriffs, deputy jailers or correction officers off jail property, and county judge/executives serving as local alcoholic beverage control administrators do not have the power to make arrests unless they are certified.

The fiscal impact of HB 373 HCS 1 on local government is expected to be minimal.

By removing the certification requirement for court security officers and county detectives, hiring and retaining these positions should be easier. The same is expected to be true for local alcoholic beverage control (ABC) officers who may be certified, albeit certification would not be a requirement under this proposal.

A cost saving related to training cost should also be realized since this proposal makes it easier for officers to return to active status if they have been inactive for less than a year and if they were current with their training when they departed. Since these officers are already certified, their department can count these positions when applying for funds from the Law Enforcement Foundation Program.

The new requirement for police officers and court security officers regarding prior sex offenses should only have a minimal impact on the application process.

There might be cost regarding obtaining certification for sheriffs, off-site deputy jailers or correction officers, and county judge/executives who also serve as ABC administrators and their ability to make arrest if arrest powers are deemed necessary to perform their duties, but it is expected that this would have minor fiscal impact.

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

Part II refers to SB 373 HCS 1.

SB 373 as introduced did not necessitate a local mandate.

Data Source(s): LRC Staff

Preparer: WB (JB) **Reviewer:** KHC **Date:** 3/2/23