

1 AN ACT relating to police officer mental health.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15.440 is amended to read as follows:

4 (1) Each unit of government that meets the following requirements shall be eligible to  
5 share in the distribution of funds from the Law Enforcement Foundation Program  
6 fund:

7 (a) Employs one (1) or more police officers;

8 (b) Pays every police officer at least the minimum federal wage;

9 (c) Requires all police officers to have, at a minimum, a high school degree, or its  
10 equivalent as determined by the council, except that each police officer  
11 employed prior to the date on which the officer's police department was  
12 included as a participant under KRS 15.410 to 15.510 shall be deemed to have  
13 met the requirements of this subsection;

14 (d) 1. Requires all police officers to successfully complete a basic training  
15 course of nine hundred twenty-eight (928) hours' duration within one (1)  
16 year of the date of employment at a school certified or recognized by the  
17 council, which may provide a different number of hours of instruction as  
18 established in this paragraph, except that each police officer employed  
19 prior to the date on which the officer's police department was included  
20 as a participant under KRS 15.410 to 15.510 shall be deemed to have  
21 met the requirements of this subsection.

22 2. As the exclusive method by which the number of hours required for  
23 basic training courses shall be modified from that which is specifically  
24 established by this paragraph, the council may, by the promulgation of  
25 administrative regulations in accordance with the provisions of KRS  
26 Chapter 13A, explicitly set the exact number of hours for basic training  
27 at a number different from nine hundred twenty-eight (928) hours based

1                   upon a training curriculum approved by the Kentucky Law Enforcement  
2                   Council as determined by a validated job task analysis.

3                   3. If the council sets an exact number of hours different from nine hundred  
4                   twenty-eight (928) in an administrative regulation as provided by this  
5                   paragraph, it shall not further change the number of hours required for  
6                   basic training without promulgating administrative regulations in  
7                   accordance with the provisions of KRS Chapter 13A.

8                   4. Nothing in this paragraph shall be interpreted to prevent the council,  
9                   pursuant to its authority under KRS 15.330, from approving training  
10                  schools with a curriculum requiring attendance of a number of hours  
11                  that exceeds nine hundred twenty-eight (928) hours or the number of  
12                  hours established in an administrative regulation as provided by  
13                  subparagraphs 2. and 3. of this paragraph. However, the training  
14                  programs and schools for the basic training of law enforcement  
15                  personnel conducted by the department pursuant to KRS 15A.070 shall  
16                  not contain a curriculum that requires attendance of a number of hours  
17                  for basic training that is different from nine hundred twenty-eight (928)  
18                  hours or the number of hours established in an administrative regulation  
19                  promulgated by the council pursuant to the provisions of KRS Chapter  
20                  13A as provided by subparagraphs 2. and 3. of this paragraph.

21                  5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph  
22                  to the contrary notwithstanding, the council may, through the  
23                  promulgation of administrative regulations in accordance with KRS  
24                  Chapter 13A, approve basic training credit for:

25                  a. Years of service credit as a law enforcement officer with previous  
26                  service in another state; and

27                  b. Basic training completed in another state.

- 1           6.   KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph  
2           to the contrary notwithstanding, the council may, through the  
3           promulgation of administrative regulations in accordance with KRS  
4           Chapter 13A, approve basic training credit for:
- 5           a.   Completion of eight hundred forty-eight (848) hours of training at  
6           a school established pursuant to KRS 15A.070;
  - 7           b.   A minimum of fifteen (15) years of experience as a certified law  
8           enforcement instructor at a school established pursuant to KRS  
9           15A.070;
  - 10          c.   Completion of an average of forty (40) hours of Kentucky Law  
11          Enforcement Council approved in-service training annually from  
12          January 1, 1997, through January 1, 2020;
  - 13          d.   Three (3) years of active, full-time service as a:
    - 14           i.   City, county, urban-county, charter county, consolidated  
15           local, or unified local government police officer;
    - 16           ii.  Sheriff's deputy, excluding special deputies appointed under  
17           KRS 70.045;
    - 18           iii. Department of Kentucky State Police officer; or
    - 19           iv.  Kentucky Department of Fish and Wildlife Resources  
20           conservation officer exercising peace officer powers under  
21           KRS 150.090; and
  - 22          e.   Completion of the:
    - 23           i.   Twenty-four (24) hour legal update Penal Code course;
    - 24           ii.  Sixteen (16) hour legal update constitutional procedure  
25           course; and
    - 26           iii. Forty (40) hour basic officer skills course within one (1) year  
27           prior to applying for certification;

- 1 (e) Requires all police officers to successfully complete each calendar year an in-  
2 service training course, appropriate to the officer's rank and responsibility and  
3 the size and location of the officer's police department, of forty (40) hours'  
4 duration, at a school certified or recognized by the council which may include  
5 a four (4) hour course which meets the requirements of paragraph (j) of this  
6 subsection. This in-service training requirement shall be waived for the period  
7 of time that a peace officer is serving on active duty in the United States  
8 Armed Forces. This waiver shall be retroactive for peace officers from the  
9 date of September 11, 2001;
- 10 (f) Complies with all provisions of law applicable to police officers or police  
11 departments, including transmission of data to the centralized criminal history  
12 record information system as required by KRS 17.150 and transmission of  
13 reports as required by KRS 15.391;
- 14 (g) Complies with all rules and regulations, appropriate to the size and location of  
15 the police department issued by the cabinet to facilitate the administration of  
16 the fund and further the purposes of KRS 15.410 to 15.510;
- 17 (h) Possesses a written policy and procedures manual related to domestic violence  
18 for law enforcement agencies that has been approved by the cabinet. The  
19 policy shall comply with the provisions of KRS 403.715 to 403.785. The  
20 policy shall include a purpose statement; definitions; supervisory  
21 responsibilities; procedures for twenty-four (24) hour access to protective  
22 orders; procedures for enforcement of court orders or relief when protective  
23 orders are violated; procedures for timely and contemporaneous reporting of  
24 adult abuse and domestic violence to the Cabinet for Health and Family  
25 Services, Department for Community Based Services; victim rights,  
26 assistance, and service responsibilities; and duties related to timely  
27 completion of records;

- 1 (i) Possesses by January 1, 2023, a written policy and procedures manual related  
2 to sexual assault examinations that meets the standards provided by, and has  
3 been approved by, the cabinet, and which includes:
- 4 1. A requirement that evidence collected as a result of an examination  
5 performed under KRS 216B.400 be taken into custody within five (5)  
6 days of notice from the collecting facility that the evidence is available  
7 for retrieval;
  - 8 2. A requirement that evidence received from a collecting facility relating  
9 to an incident which occurred outside the jurisdiction of the police  
10 department be transmitted to a police department with jurisdiction  
11 within ten (10) days of its receipt by the police department;
  - 12 3. A requirement that all evidence retrieved from a collecting facility under  
13 this paragraph be transmitted to the Department of Kentucky State  
14 Police forensic laboratory within thirty (30) days of its receipt by the  
15 police department;
  - 16 4. A requirement that a suspect standard, if available, be transmitted to the  
17 Department of Kentucky State Police forensic laboratory with the  
18 evidence received from a collecting facility;
  - 19 5. A process for notifying the victim from whom the evidence was  
20 collected of the progress of the testing, whether the testing resulted in a  
21 match to other DNA samples, and if the evidence is to be destroyed. The  
22 policy may include provisions for delaying notice until a suspect is  
23 apprehended or the office of the Commonwealth's attorney consents to  
24 the notification, but shall not automatically require the disclosure of the  
25 identity of any person to whom the evidence matched; and
  - 26 6. A requirement that DNA samples collected as a result of an examination  
27 performed under KRS 216B.400 that are voluntarily submitted solely for

1 elimination purposes shall not be checked against any DNA index,  
2 retained, or included in any DNA index;~~and~~

3 (j) Requires all police officers to successfully complete by December 31, 2022,  
4 and every two (2) years thereafter, a training course certified by the council of  
5 not less than four (4) hours in emergency vehicle operation; and

6 (k) Possesses by January 1, 2024, a written policy and procedures manual  
7 related to police officer mental health programs that includes a requirement  
8 that:

9 1. All police officers are allowed to use his or her sick leave to attend  
10 mental health counseling sessions. If the police officer does not have  
11 sufficient sick leave, the officer shall be allowed to use up to four (4)  
12 additional hours of paid or unpaid leave per month to attend sessions;

13 2. All police officers in a supervisor role receive specialized training on  
14 supporting police officers with mental health needs;

15 3. All police officers receive reimbursement for the cost of mental health  
16 treatment as funds become available; and

17 4. No police officer shall be suspended, terminated, or demoted because  
18 of the police officer's participation in mental health treatment.

19 (2) A unit of government which meets the criteria of this section shall be eligible to  
20 continue sharing in the distribution of funds from the Law Enforcement Foundation  
21 Program fund only if the police department of the unit of government remains in  
22 compliance with the requirements of this section.

23 (3) Deputies employed by a sheriff's office shall be eligible to participate in the  
24 distribution of funds from the Law Enforcement Foundation Program fund  
25 regardless of participation by the sheriff.

26 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection  
27 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis

1           for a dismissal of a criminal action or a bar to the admissibility of the evidence in a  
2           criminal action.