

1 AN ACT relating to law enforcement telecommunicators.

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

3 ➔Section 1. KRS 15.420 is amended to read as follows:

4 As used in KRS 15.410 to 15.510, unless the context otherwise requires:

5 (1) "Cabinet" means the Justice and Public Safety Cabinet;

6 **(2) "Dispatch center" means the employer of a law enforcement telecommunicator;**

7 **(3) "Law enforcement telecommunicator" means:**

8 **(a) A Criminal Justice Information System (CJIS) telecommunicator as defined**
 9 **by KRS 15.530; and**

10 **(b) A Non-Criminal Justice Information System (non-CJIS) telecommunicator**
 11 **as defined by KRS 15.53(5);**

12 **(4) "Police department" means the employer of a police officer;**

13 ~~(5)(2)~~ (a) "Police officer" means:

14 1. A local officer, limited to:

15 a. A full-time:

16 i. Member of a lawfully organized police department of
 17 county, urban-county, or city government; or

18 ii. Sheriff or full-time deputy sheriff, including any sheriff
 19 providing court security or appointed under KRS 70.030;

20 b. A school resource officer as defined in KRS 158.441; or

21 c. One (1) of the following who is otherwise eligible for an annual
 22 supplement established in accordance with KRS 15.460, but who
 23 does not receive one:

24 i. An officer serving on a joint task force;

25 ii. A detective employed by a county attorney;

26 iii. A process server for juvenile courts within a consolidated
 27 local government; and

- 1 iv. A local alcoholic beverage control investigator appointed
2 pursuant to KRS Chapter 241; and
- 3 2. A state officer, limited to:
- 4 a. A public university police officer;
- 5 b. A Kentucky state trooper;
- 6 c. A Kentucky State Police arson investigator;
- 7 d. A Kentucky State Police hazardous device investigator;
- 8 e. A Kentucky State Police legislative security specialist;
- 9 f. A Kentucky vehicle enforcement officer;
- 10 g. A Kentucky Horse Park mounted patrol officer, subject to KRS
11 15.460(1)(f);
- 12 h. A Kentucky state park ranger, subject to KRS 15.460(1)(f);
- 13 i. An agriculture investigator;
- 14 j. A charitable gaming investigator;
- 15 k. An alcoholic beverage control investigator;
- 16 l. An insurance fraud investigator;
- 17 m. An Attorney General investigator;
- 18 n. A Kentucky Department of Fish and Wildlife Resources
19 conservation officer, subject to KRS 15.460(1)(e); and
- 20 o. Any detective for a Commonwealth's attorney who would
21 otherwise be eligible for a supplement established in accordance
22 with KRS 15.460, but who does not receive one;
- 23 who is responsible for the prevention and detection of crime and the
24 enforcement of the general criminal laws of the state;
- 25 (b) "Police officer" does not include any sheriff who earns the maximum
26 constitutional salary for this office, any special deputy sheriff appointed under
27 KRS 70.045, any constable, deputy constable, district detective, deputy

1 district detective, special local peace officer, auxiliary police officer, or any
2 other peace officer not specifically authorized in KRS 15.410 to 15.510;

3 ~~[(3) "Police department" means the employer of a police officer;]~~

4 **(6) "Qualified law enforcement telecommunicator" means a law enforcement**
5 **telecommunicator that is employed by a qualified unit of government pursuant to**
6 **subsection (2) of Section 2 of this Act;**

7 **(7) "Qualified police officer" means a police officer employed by a qualified unit of**
8 **government pursuant to subsection (1) of Section 2 of this Act;**

9 ~~(8)[(4)]~~ "Retirement plan" means a defined benefit plan consisting of required
10 employer contributions pursuant to KRS 61.565, 61.702, or any other provision of
11 law;

12 ~~(9)[(5)]~~ "Unit of government" means any city, county, combination of cities and
13 counties, public university, state agency, local school district, or county sheriff's
14 office of the Commonwealth; and

15 ~~(10)[(6)]~~ "Validated job task analysis" means the core job description that describes the
16 minimum entry level requirements, qualifications, and training requirements for
17 ~~police[peace]~~ officers in the Commonwealth, and that is based upon an actual
18 survey and study of police officer duties and responsibilities conducted by an entity
19 recognized by the council as being competent to conduct such a study.

20 ➔Section 2. KRS 15.440 is amended to read as follows:

21 (1) Each unit of government ~~[that]~~ **with a police department that** meets the following
22 requirements shall be eligible to share in the distribution of funds from the Law
23 Enforcement Foundation Program fund:

- 24 (a) Employs one (1) or more police officers;
- 25 (b) Pays every police officer at least the minimum federal wage;
- 26 (c) Requires all police officers to have, at a minimum, a high school degree, or its
27 equivalent as determined by the council, except that each police officer

1 employed prior to the date on which the officer's police department was
2 included as a participant under KRS 15.410 to 15.510 shall be deemed to have
3 met the requirements of this subsection;

- 4 (d) 1. Requires all police officers to successfully complete a basic training
5 course of nine hundred twenty-eight (928) hours' duration within one (1)
6 year of the date of employment at a school certified or recognized by the
7 council, which may provide a different number of hours of instruction as
8 established in this paragraph, except that each police officer employed
9 prior to the date on which the officer's police department was included
10 as a participant under KRS 15.410 to 15.510 shall be deemed to have
11 met the requirements of this subsection.
- 12 2. As the exclusive method by which the number of hours required for
13 basic training courses shall be modified from that which is specifically
14 established by this paragraph, the council may, by the promulgation of
15 administrative regulations in accordance with the provisions of KRS
16 Chapter 13A, explicitly set the exact number of hours for basic training
17 at a number different from nine hundred twenty-eight (928) hours based
18 upon a training curriculum approved by the Kentucky Law Enforcement
19 Council as determined by a validated job task analysis.
- 20 3. If the council sets an exact number of hours different from nine hundred
21 twenty-eight (928) in an administrative regulation as provided by this
22 paragraph, it shall not further change the number of hours required for
23 basic training without promulgating administrative regulations in
24 accordance with the provisions of KRS Chapter 13A.
- 25 4. Nothing in this paragraph shall be interpreted to prevent the council,
26 pursuant to its authority under KRS 15.330, from approving training
27 schools with a curriculum requiring attendance of a number of hours

1 that exceeds nine hundred twenty-eight (928) hours or the number of
2 hours established in an administrative regulation as provided by
3 subparagraphs 2. and 3. of this paragraph. However, the training
4 programs and schools for the basic training of law enforcement
5 personnel conducted by the department pursuant to KRS 15A.070 shall
6 not contain a curriculum that requires attendance of a number of hours
7 for basic training that is different from nine hundred twenty-eight (928)
8 hours or the number of hours established in an administrative regulation
9 promulgated by the council pursuant to the provisions of KRS Chapter
10 13A as provided by subparagraphs 2. and 3. of this paragraph.

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

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

17 b. Basic training completed in another state.

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

22 a. Completion of eight hundred forty-eight (848) hours of training at
23 a school established pursuant to KRS 15A.070;

24 b. A minimum of fifteen (15) years of experience as a certified law
25 enforcement instructor at a school established pursuant to KRS
26 15A.070;

27 c. Completion of an average of forty (40) hours of Kentucky Law

- 1 Enforcement Council approved in-service training annually from
2 January 1, 1997, through January 1, 2020;
- 3 d. Three (3) years of active, full-time service as a:
- 4 i. City, county, urban-county, charter county, consolidated
5 local, or unified local government police officer;
- 6 ii. Sheriff's deputy, excluding special deputies appointed under
7 KRS 70.045;
- 8 iii. Department of Kentucky State Police officer; or
- 9 iv. Kentucky Department of Fish and Wildlife Resources
10 conservation officer exercising peace officer powers under
11 KRS 150.090; and
- 12 e. Completion of the:
- 13 i. Twenty-four (24) hour legal update Penal Code course;
- 14 ii. Sixteen (16) hour legal update constitutional procedure
15 course; and
- 16 iii. Forty (40) hour basic officer skills course within one (1) year
17 prior to applying for certification;
- 18 (e) Requires all police officers to successfully complete each calendar year an in-
19 service training course, appropriate to the officer's rank and responsibility and
20 the size and location of the officer's police department, of forty (40) hours'
21 duration, at a school certified or recognized by the council which may include
22 a four (4) hour course which meets the requirements of paragraph (j) of this
23 subsection. This in-service training requirement shall be waived for the period
24 of time that a peace officer is serving on active duty in the United States
25 Armed Forces. This waiver shall be retroactive for peace officers from the
26 date of September 11, 2001;
- 27 (f) Complies with all provisions of law applicable to police officers or police

- 1 departments, including transmission of data to the centralized criminal history
2 record information system as required by KRS 17.150 and transmission of
3 reports as required by KRS 15.391;
- 4 (g) Complies with all administrative ~~rules and~~ regulations, appropriate to the
5 size and location of the police department promulgated ~~issued~~ by the
6 cabinet to facilitate the administration of the fund and further the purposes of
7 KRS 15.410 to 15.510;
- 8 (h) Possesses a written policy and procedures manual related to domestic violence
9 for law enforcement agencies that has been approved by the cabinet. The
10 policy shall comply with the provisions of KRS 403.715 to 403.785. The
11 policy shall include a purpose statement; definitions; supervisory
12 responsibilities; procedures for twenty-four (24) hour access to protective
13 orders; procedures for enforcement of court orders or relief when protective
14 orders are violated; procedures for timely and contemporaneous reporting of
15 adult abuse and domestic violence to the Cabinet for Health and Family
16 Services, Department for Community Based Services; victim rights,
17 assistance, and service responsibilities; and duties related to timely
18 completion of records;
- 19 (i) Possesses by January 1, 2023, a written policy and procedures manual related
20 to sexual assault examinations that meets the standards provided by, and has
21 been approved by, the cabinet, and which includes:
- 22 1. A requirement that evidence collected as a result of an examination
23 performed under KRS 216B.400 be taken into custody within five (5)
24 days of notice from the collecting facility that the evidence is available
25 for retrieval;
 - 26 2. A requirement that evidence received from a collecting facility relating
27 to an incident which occurred outside the jurisdiction of the police

1 department be transmitted to a police department with jurisdiction
2 within ten (10) days of its receipt by the police department;

3 3. A requirement that all evidence retrieved from a collecting facility under
4 this paragraph be transmitted to the Department of Kentucky State
5 Police forensic laboratory within thirty (30) days of its receipt by the
6 police department;

7 4. A requirement that a suspect standard, if available, be transmitted to the
8 Department of Kentucky State Police forensic laboratory with the
9 evidence received from a collecting facility;

10 5. A process for notifying the victim from whom the evidence was
11 collected of the progress of the testing, whether the testing resulted in a
12 match to other DNA samples, and if the evidence is to be destroyed. The
13 policy may include provisions for delaying notice until a suspect is
14 apprehended or the office of the Commonwealth's attorney consents to
15 the notification, but shall not automatically require the disclosure of the
16 identity of any person to whom the evidence matched; and

17 6. A requirement that DNA samples collected as a result of an examination
18 performed under KRS 216B.400 that are voluntarily submitted solely for
19 elimination purposes shall not be checked against any DNA index,
20 retained, or included in any DNA index; and

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

24 **(2) Each unit of government with a dispatch center that meets the following**
25 **requirements shall be eligible to share in the distribution of funds from the Law**
26 **Enforcement Foundation Program fund:**

27 **(a) Employs one (1) or more law enforcement telecommunicators;**

- 1 **(b) Pays every law enforcement telecommunicator at least the minimum federal**
 2 **wage;**
- 3 **(c) Complies with the requirements in KRS 15.540;**
- 4 **(d) Requires all law enforcement telecommunicators that are not certified in**
 5 **the Criminal Justice Information System to comply with all training**
 6 **requirements of KRS 15.560 or a comparable program pursuant to KRS**
 7 **15.570;**
- 8 **(e) Requires all law enforcement telecommunicators that are certified in the**
 9 **Criminal Justice Information System to comply with all training**
 10 **requirements of KRS 15.565 or a comparable program pursuant to KRS**
 11 **15.570; and**
- 12 **(f) Complies with all administrative regulations promulgated pursuant to KRS**
 13 **15.590 that are applicable to law enforcement telecommunicators.**

14 ~~(3)~~~~(2)~~ A unit of government which meets the criteria of this section shall be eligible
 15 to continue sharing in the distribution of funds from the Law Enforcement
 16 Foundation Program fund only if the police department **or dispatch center** of the
 17 unit of government remains in compliance with the requirements of this section.

18 ~~(4)~~~~(3)~~ Deputies employed by a sheriff's office shall be eligible to participate in the
 19 distribution of funds from the Law Enforcement Foundation Program fund
 20 regardless of participation by the sheriff.

21 ~~(5)~~~~(4)~~ Failure to meet a deadline established in a policy adopted pursuant to
 22 subsection (1)(i) of this section for the retrieval or submission of evidence shall not
 23 be a basis for a dismissal of a criminal action or a bar to the admissibility of the
 24 evidence in a criminal action.

25 ➔Section 3. KRS 15.460 is amended to read as follows:

26 (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of
 27 government shall be entitled to receive an annual supplement of **four**~~three~~

1 thousand dollars ~~(\$3,000)~~ (\$4,000) for each qualified police officer and each
 2 qualified law enforcement telecommunicator it employs. ~~The supplement~~
 3 ~~amount shall be increased to four thousand dollars (\$4,000) beginning July 1,~~
 4 ~~2018.~~

5 (b) 1. In addition to the supplement, the unit of government shall receive an
 6 amount equal to the required employer's contribution on the supplement
 7 to the retirement plan and duty category to which the employee~~officer~~
 8 belongs. In the case of County Employees Retirement System
 9 membership, the retirement plan contribution on the supplement shall be
 10 paid whether the employee~~officer~~ enters the system under hazardous
 11 duty coverage or nonhazardous coverage.

12 2. The unit of government shall pay the amount received for retirement
 13 plan coverage to the appropriate retirement system to cover the required
 14 employer contribution on the pay supplement.

15 3. If the foundation program funds are insufficient to pay employer
 16 contributions to the system, then the total amount available for
 17 retirement plan payments shall be prorated to each eligible government
 18 so that each receives the same percentage of required retirement plan
 19 costs attributable to the cash salary supplement.

20 (c) 1. In addition to the payments received under paragraphs (a) and (b) of this
 21 subsection, but only if sufficient funds are available to make all
 22 payments required under paragraph (b) of this subsection, each unit of
 23 government shall receive an administrative expense reimbursement in an
 24 amount equal to seven and sixty-five one-hundredths percent (7.65%) of
 25 the total annual supplement received greater than three thousand one
 26 hundred dollars (\$3,100) for each:

27 a. Qualified police officer that is a local officer as defined in KRS

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15.420(2)(a)1~~[-];~~ and

b. Qualified law enforcement telecommunicator employed by an eligible consolidated local government, unified local government city, county, urban-county government, or charter county government~~[- that it employs, subject to the cap established by subparagraph 3. of this paragraph].~~

2. The unit of government may use the moneys received under this paragraph in any manner it deems necessary to partially cover the costs of administering the payments received under paragraph (a) of this subsection.

3. The total amount distributed under this paragraph shall not exceed the total sum of five hundred twenty-five thousand dollars (\$525,000) for each fiscal year. If there are insufficient funds to provide for full reimbursement as provided in subparagraph 1. of this paragraph, then the amount shall be distributed pro rata to each eligible unit of government so that each receives the same percentage attributable to its total receipt of the cash salary supplement.

(d) 1. In addition to the payments received under paragraphs (a) and (b) of this subsection, each unit of government shall receive the associated fringe benefits costs for the total supplement of four thousand dollars (\$4,000) for each:

a. Qualified police officer that is a state officer as defined in KRS 15.420(2)(a)2; and

b. Qualified law enforcement telecommunicator employed by the Kentucky State Police~~[- that it employs].~~

2. Fringe benefits shall be limited to retirement plan contributions and the federal insurance contributions act tax.

- 1 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky
2 Department of Fish and Wildlife Resources conservation officer appointed
3 pursuant to KRS 150.090(2) and listed in KRS 15.420(2)(a)2.n. shall be a
4 participant in the Kentucky Law Enforcement Foundation Program fund, but
5 shall not receive an annual supplement from that fund. A conservation officer
6 shall receive an annual training stipend commensurate to the annual
7 supplement paid to the police officer as defined in KRS 15.420. The annual
8 training stipend disbursed to a conservation officer shall be paid from the
9 game and fish fund pursuant to KRS 150.150.
- 10 (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall
11 be deemed a police officer solely for the purpose of inclusion in the Law
12 Enforcement Foundation Program fund.
- 13 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
14 of government to each employee~~[police officer]~~ whose qualifications resulted in
15 receipt of a supplemental payment. The payment shall be in addition to the
16 employee's~~[police officer's]~~ regular salary and, except as provided in subsection
17 (4)(b) of this section, shall continue to be paid to an employee~~[a police officer]~~ who
18 is a member of:
- 19 (a) The Kentucky National Guard during any period of activation under Title 10
20 or 32 of the United States Code or KRS 38.030; or
- 21 (b) Any reserve component of the United States Armed Forces during any period
22 of activation with the United States Armed Forces.
- 23 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246
24 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.
- 25 (b) A qualified sheriff who does not receive the maximum salary allowed by
26 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
27 expense allowance provided by KRS 70.170, shall upon annual settlement

1 with the fiscal court under KRS 134.192, receive that portion of the
2 supplement that will not cause his or her compensation to exceed the
3 maximum salary.

4 (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of
5 the annual settlement prepared under KRS 134.192 to the fund. The sheriff
6 shall reimburse the fund if an audit of the annual settlement conducted
7 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
8 the supplement in violation of this section. A sheriff who fails to provide a
9 copy of the annual settlement to the fund or to reimburse the fund after
10 correction by audit, if required, shall not be qualified to participate in the fund
11 for a period of two (2) years.

12 (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the
13 sheriff administers his or her own budget or from the county treasurer if the
14 sheriff pools his or her fees. The failure of a sheriff to comply with the
15 provisions of this section shall not affect the qualification of his or her
16 deputies to participate in the fund.

17 (4) (a) Eligible units of government shall receive the salary supplement, excluding
18 funds applicable to the employer's retirement plan contribution, provided in
19 subsection (1) of this section for distribution to an employee~~[a police officer]~~
20 who is eligible under subsection (2) of this section.

21 (b) A qualified employee~~[police officer]~~ receiving a salary supplement during any
22 period of military activation, as provided in subsection (2) of this section,
23 shall not be entitled to receive the employer's retirement plan contribution,
24 and the salary supplement shall not be subjected to an employee's contribution
25 to a retirement plan. The salary supplement shall otherwise be taxable for all
26 purposes.

27 (5) A unit of government receiving disbursements pursuant to subsection 1 of ~~[under]~~

1 this section shall follow all laws applicable to it that may govern due process
2 disciplinary procedures for its police officers, but this subsection shall not be
3 interpreted to:

4 (a) Authorize the department, the cabinet, or the council to investigate, judge, or
5 exercise any control or jurisdiction regarding the compliance of a unit of
6 government with laws that may govern due process disciplinary procedures
7 for its police officers, except as otherwise provided by laws;

8 (b) Create a private right of action for any police officer regarding an agency's
9 participation in this section;

10 (c) Authorize a termination of an agency's participation as a result of a judgment
11 that the unit of government failed to follow its procedures in any independent
12 cause of action brought by the police officer against the unit of government;
13 or

14 (d) Prevent the adoption, amendment, or repeal of any laws that may govern the
15 due process disciplinary procedures of a unit of government's police officers.

16 ➔Section 4. KRS 15.470 is amended to read as follows:

17 Law Enforcement Foundation Program funds made available to units of government shall
18 be received, held, and expended in accordance with the provisions of KRS 15.410 to
19 15.510, including the administrative regulations promulgated by the cabinet and the
20 following specific restrictions:

21 (1) Funds provided shall be used only as a cash salary supplement to employees~~[police~~
22 ~~officers]~~, for payments to the retirement plan to which the employee~~[officer]~~
23 belongs to cover employer retirement costs on the cash salary supplement, and for
24 administrative costs as provided in KRS 15.450;

25 (2) Funds provided shall be used only to compensate police officers who have
26 complied with KRS 15.440(1)(c), (d), and (e) and law enforcement
27 telecommunicators who have complied with subsection (2) of Section 2 of this

1 Act;

- 2 (3) Each employee~~[police officer]~~ shall be entitled to receive the state supplement that
 3 the employee's~~[officer's]~~ qualifications brought to the unit of government;
- 4 (4) Funds provided shall not be used to supplant existing salaries or as a substitute for
 5 normal salary increases periodically due to the employees~~[police officers]~~;
- 6 (5) Each employee~~[police officer]~~ receiving the state supplement who is also a member
 7 of the Kentucky National Guard or any reserve component of the United States
 8 Armed Forces shall continue to receive the state supplement during any period of
 9 military activation, as provided in KRS 15.460(2); and
- 10 (6) Funds distributed or received pursuant to subsection (5) of this section shall be
 11 excluded from all aspects of the Kentucky Retirement Systems or any other
 12 retirement system.

13 ➔Section 5. KRS 15.490 is amended to read as follows:

- 14 (1) Each participating unit of government shall submit reports to the cabinet on March
 15 31, June 30, September 30, and December 31 of each year containing information
 16 relative to number, rank, education, training, and compensation of police officers
 17 and law enforcement telecommunicators employed by it and the disposition made
 18 of any state or other funds received pursuant to KRS 15.410 to 15.510. Nothing in
 19 this section shall prohibit the cabinet from requiring additional information or
 20 reports from participating units of government;
- 21 (2) Units of government shall include the additional compensation paid to each
 22 employee~~[police officer]~~ from the Law Enforcement Foundation Program fund as a
 23 part of the employee's~~[officer's]~~ salary in determining all payroll deductions.

24 ➔Section 6. KRS 15.518 is amended to read as follows:

- 25 (1) As used in this section, unless the context requires otherwise:
- 26 (a) "Commissioner" means the commissioner of the department;
- 27 (b) "Department" means the Department of Criminal Justice Training of the

- 1 Justice and Public Safety Cabinet;
- 2 (c) "Fund" means the Law Enforcement Professional Development and Wellness
3 Program fund established in subsection (8) of this section; and
- 4 (d) "Program" means the Law Enforcement Professional Development and
5 Wellness Program established in this section.
- 6 (2) The department shall develop a Law Enforcement Professional Development and
7 Wellness Program.
- 8 (3) The program shall use seminar-based peer support and counseling services designed
9 to reduce negative mental and behavioral health outcomes.
- 10 (4) The program shall be offered to Kentucky law enforcement officers and
11 telecommunicators at least two (2) times each calendar year.
- 12 (5) On a limited basis, the program may be offered to law enforcement officers from
13 states other than Kentucky upon application to and approval by the commissioner.
14 However, no Kentucky law enforcement officer or telecommunicator may be
15 denied admission to the program if law enforcement officers from another state are
16 admitted to the program.
- 17 (6) The department shall promulgate administrative regulations in accordance with
18 KRS Chapter 13A to implement this section. The administrative regulations shall
19 address, at a minimum:
- 20 (a) The required qualifications and duties of any person used by the department to
21 implement or administer the program;
- 22 (b) The curriculum, programming, seminar type, and treatment modalities used in
23 the program;
- 24 (c) The extent to which a participant's relatives or friends may participate in
25 seminars;
- 26 (d) The standards by which law enforcement officers from other states may be
27 accepted into the program by the commissioner; and

- 1 (e) A protocol for establishing reciprocity for interagency assistance with other
2 state, federal, and tribal law enforcement agencies and officers in
3 administering the program.
- 4 (7) (a) Except as provided in paragraphs (b) and (c) of this subsection,
5 communications, identifying data, and any reports made in the application for
6 or in the course of an officer's or telecommunicator's participation in the
7 program shall be confidential and privileged from disclosure in any civil or
8 criminal proceeding and shall not be subject to discovery, disclosure, or
9 production upon the order or subpoena of a court or other agency with
10 subpoena power, regardless of who possesses them. The participating officer
11 or telecommunicator is the holder of the privilege.
- 12 (b) The department may use anonymous data for research, statistical analysis, and
13 educational purposes.
- 14 (c) Any communication making an actual threat of physical violence against a
15 clearly identified or reasonably identifiable victim or an actual threat of some
16 specific violent act may be revealed by the program in order to prevent the
17 commission of any physical violence or violent act using the protocol
18 established in KRS 202A.400.
- 19 (8) (a) There is hereby established in the State Treasury a restricted fund to be known
20 as the Law Enforcement Professional Development and Wellness Program
21 fund.
- 22 (b) The fund shall consist of moneys received from the Kentucky Law
23 Enforcement Foundation Program fund established in KRS 15.430, grants,
24 gifts, state appropriations, and federal funds.
- 25 (c) The fund shall be administered by the department.
- 26 (d) Amounts deposited in the fund shall be used only for administration of the
27 program.

- 1 (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a
 2 fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- 3 (f) Any interest earnings of the fund shall become a part of the fund and shall not
 4 lapse.
- 5 (g) Moneys deposited in the fund are hereby appropriated for the purposes set
 6 forth in this section and shall not be appropriated or transferred by the General
 7 Assembly for any other purposes.
- 8 (9) (a) For the purposes of this subsection, "critical incident" means any event that
 9 has a stressful impact sufficient enough to overwhelm a peace officer's or law
 10 enforcement telecommunicator's usual coping strategies. These events may
 11 include:
- 12 1. An officer-involved shooting;
 - 13 2. A vehicle crash resulting in serious injury or death to an officer or
 14 citizen;
 - 15 3. An officer being the victim of a felonious assault;
 - 16 4. The death of a colleague or partner;
 - 17 5. The death of, or serious injury to, a person in the custody of the officer;
 - 18 6. The severe injury to, or death of, a child, particularly if the officer has a
 19 child of or near the same age;~~or~~
 - 20 7. An incident involving multiple deaths or injuries in a short amount of
 21 time; or
 - 22 8. A dispatch call involving serious injury or death.
- 23 (b) Any employee~~[peace officer]~~ involved directly in a critical incident may take
 24 up to forty-eight (48) hours of leave immediately following a critical incident.
 25 This leave may commence upon:
- 26 1. The completion of that employee's~~[peace officer's]~~ shift encompassing
 27 the critical incident, or when all necessary administrative procedures

1 relating to a critical incident have been completed; and

2 2. The employee~~[officer]~~ informs his or her supervisor.

3 (c) This leave may be unpaid or paid leave. The pay status is to be determined by
4 the employee's~~[officer's]~~ employment contract, collective labor agreement if
5 any, or by written departmental policy.

6 (d) This subsection shall not be construed to set aside any employment contract,
7 labor agreement, or departmental policies that grant more than forty-eight (48)
8 hours of leave following ~~[an]~~ a law enforcement officer or
9 telecommunicator~~[officer]~~ involved critical incident.

10 ➔Section 7. KRS 67A.205 is amended to read as follows:

11 (1) As used in this section "police officer" has the same meaning as in KRS 15.420.

12 (2) Subject to the limitations of subsection (7) of this section, the legislative body of
13 the urban-county government may employ, as needed, individuals as police officers
14 under this section who have retired from the Police and Fire Retirement Fund
15 established by KRS 67A.360 to 67A.690.

16 (3) To be eligible for employment under this section, an individual shall have:

17 (a) Participated in the Law Enforcement Foundation Program fund under KRS
18 15.410 to 15.510 as a police officer;

19 (b) Retired on a service retirement annuity under the provisions of KRS 67A.410;

20 (c) Been separated from service for a period of not less than thirty (30) days;

21 (d) Retired with no administrative charges pending; and

22 (e) Retired with no preexisting agreement or arrangement between the individual
23 and the urban-county government prior to the individual's retirement for the
24 individual to return to work for the urban-county government.

25 (4) Individuals employed under this section shall:

26 (a) 1. Serve for a term not to exceed one (1) year.

27 2. The one (1) year employment term may be renewed annually at the

- 1 discretion of the employing urban-county government;
- 2 (b) Receive compensation according to the standard procedures applicable to the
- 3 employing urban-county government; and
- 4 (c) Be employed based upon need as determined by the employing urban-county
- 5 government.
- 6 (5) Individuals employed under this section:
- 7 (a) Shall continue to receive all retirement and health insurance benefits to which
- 8 they were entitled under the provisions of KRS 67A.345 and 67A.360 to
- 9 67A.690;
- 10 (b) 1. Shall be subject to any merit system, civil service, or other legislative
- 11 due process provisions applicable to the employing urban-county
- 12 government.
- 13 2. A decision not to renew a one (1) year appointment term under this
- 14 section shall not be considered a retaliatory action, disciplinary action,
- 15 or deprivation subject to due process; and
- 16 (c) Shall not be eligible to receive additional health insurance coverage through
- 17 the employing urban-county government beyond the health insurance benefits
- 18 prescribed for retirees in KRS 67A.345.
- 19 (6) The employing urban-county government shall not make any employment
- 20 retirement contributions for retired police officers employed pursuant to this section
- 21 to any government pension plan authorized under KRS Chapter 67A.
- 22 (7) The number of retirees hired by an urban-county government under this section
- 23 shall not exceed the greater of:
- 24 (a) Twenty-five (25) police officers; or
- 25 (b) A number equal to ten percent (10%) of the police officers employed by the
- 26 urban-county government in the immediately preceding calendar year.
- 27 ➔Section 8. KRS 67A.6901 is amended to read as follows:

1 As used in KRS 67A.6901 to 67A.6911:

2 (1) "Secretary" means the secretary of the cabinet;

3 (2) "Corrections personnel" means an employee of an urban-county government
4 permanently assigned to a detention facility and working in any capacity in that
5 detention facility;

6 (3) "Cabinet" means the Education and Labor Cabinet;

7 (4) "Exclusive representative" means the labor organization which has been designated
8 by the cabinet as the representative of the majority of police officers, firefighter
9 personnel, firefighters, or corrections personnel in appropriate units or has been so
10 recognized by the urban-county government;

11 (5) "Firefighter" means an employee of an urban-county government engaged in
12 serving the public by providing fire protection, including those covered by KRS
13 Chapter 95;

14 (6) "Firefighter personnel" means dispatch communications officers;

15 (7) "Labor organization" means any chartered labor organization of any kind in which
16 police officers, firefighter personnel, firefighters, or corrections personnel
17 participate and which exists for the primary purpose of dealing with urban-county
18 governments concerning grievances, labor disputes, wages, rate of pay, hours of
19 employment, or conditions of employment;

20 (8) "Person" includes one (1) or more individuals, labor organizations, associations,
21 corporations, legal representatives, trustees, trustees in bankruptcy, or receivers;
22 and

23 (9) "Police officer" **has the same meaning as "police officer" in Section 1 of this**
24 **Act**~~means an employee, sworn or certified, of an urban-county government who~~
25 ~~participates in the Law Enforcement Foundation Program Fund provided in KRS~~
26 ~~15.410 to 15.510].~~

27 ➔Section 9. KRS 70.292 is amended to read as follows:

- 1 (1) A county police department or county sheriff's office in the Commonwealth of
2 Kentucky may employ police officers who have retired under the State Police
3 Retirement System, Kentucky Employees Retirement System, or the County
4 Employees Retirement System as provided by KRS 70.291 to 70.293.
- 5 (2) An individual employed under KRS 70.291 to 70.293 shall have:
- 6 (a) 1. Participated in the Law Enforcement Foundation Program fund under
7 KRS 15.410 to 15.515 as a police officer; or
8 2. Retired as a commissioned officer pursuant to KRS Chapter 16;
- 9 (b) Retired with at least twenty (20) years of service credit;
- 10 (c) Been separated from service for the period required by KRS 61.637 so that the
11 member's retirement is not voided;
- 12 (d) Retired with no administrative charges pending; and
- 13 (e) Retired with no pre-existing agreement between the individual and the county
14 police department or the sheriff's office prior to the individual's retirement for
15 the individual to return to work for the county police department or the
16 sheriff's office.
- 17 ➔Section 10. KRS 95.022 is amended to read as follows:
- 18 (1) As used in this section:
- 19 (a) "City" means any incorporated city, consolidated local government, unified
20 local government, urban-county government, or charter county government,
21 operating under the law of this Commonwealth, and the offices and agencies
22 thereof; and
- 23 (b) "Police officer" has the same meaning as "police officer" in KRS 15.420 and
24 as "officer" in KRS 16.010.
- 25 (2) Subject to the limitations of subsection (7) of this section, a city may employ
26 individuals as police officers under this section who have retired from the Kentucky
27 Employees Retirement System, the County Employees Retirement System, or the

1 State Police Retirement System.

2 (3) To be eligible for employment under this section, an individual shall have:

3 (a) Participated in the Law Enforcement Foundation Program fund under KRS
4 15.410 to 15.510 as a police officer or retired as a commissioned officer
5 pursuant to KRS Chapter 16;

6 (b) Retired with at least twenty (20) years of service credit;

7 (c) Been separated from service for the period required by KRS 61.637 and
8 78.5540 so that the member's retirement is not voided;

9 (d) Retired with no administrative charges pending; and

10 (e) Retired with no preexisting agreement between the individual and the city
11 prior to the individual's retirement for the individual to return to work for the
12 city.

13 (4) Individuals employed under this section shall:

14 (a) Serve for a term not to exceed one (1) year. The one (1) year employment
15 term may be renewed annually at the discretion of the employing city;

16 (b) Receive compensation according to the standard procedures applicable to the
17 employing city; and

18 (c) Be employed based upon need as determined by the employing city.

19 (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,
20 61.510 to 61.705, or 78.510 to 78.852 to the contrary:

21 (a) Individuals employed under this section shall continue to receive all
22 retirement and health insurance benefits to which they were entitled upon
23 retiring in the applicable system administered by Kentucky Retirement
24 Systems or the County Employees Retirement System;

25 (b) Individuals employed under this section shall not be eligible to receive health
26 insurance coverage through the employing city;

27 (c) The city shall not pay any employer contributions or retiree health expense

- 1 reimbursements to the Kentucky Retirement Systems required by KRS 61.637
2 for individuals employed under this section; and
- 3 (d) The city shall not pay any insurance contributions to the state health insurance
4 plan, as provided by KRS 18A.225 to 18A.2287, for individuals employed
5 under this section.
- 6 (6) Individuals employed under this section shall be subject to any merit system, civil
7 service, or other legislative due process provisions applicable to the employing city.
8 A decision not to renew a one (1) year appointment term under this section shall not
9 be considered a disciplinary action or deprivation subject to due process.
- 10 (7) A city government shall be limited in the number of retired police officers that it
11 may hire under this section as follows:
- 12 (a) A city government that employed an average of five (5) or fewer police
13 officers over the course of the immediately preceding calendar year shall not
14 be limited in the number of officers that they may hire under this section;
- 15 (b) A city government that employed an average of more than five (5) but fewer
16 than one hundred (100) police officers over the course of the immediately
17 preceding calendar year shall not hire more than five (5) police officers or a
18 number equal to twenty-five percent (25%) of the police officers employed by
19 the city in the immediately preceding calendar year, whichever is greater; and
- 20 (c) A city government that employed an average of one hundred (100) or more
21 police officers over the course of calendar year 2015 shall not hire more than
22 twenty-five (25) police officers or a number equal to ten percent (10%) of the
23 police officers employed by the city in the immediately preceding calendar
24 year, whichever is greater.
- 25 (8) Retired police officers employed by a city government for purposes of KRS
26 158.4414 shall not apply against the limitations provided by subsection (7) of this
27 section.

1 ➔Section 11. KRS 164.952 is amended to read as follows:

2 (1) As used in this section:

3 (a) "Police officer" has the same meaning as "police officer" in KRS 15.420, as
4 "police officer" in KRS 164.950 to 164.980, and as "officer" in KRS 16.010;
5 and

6 (b) "Postsecondary institution" means any public institution of postsecondary
7 education authorized to establish a police department pursuant to KRS
8 164.950 to 164.980 that participates in the Kentucky Employees Retirement
9 System.

10 (2) Subject to the limitations of subsection (7) of this section, a postsecondary
11 institution may employ individuals as police officers under this section who have
12 retired from the Kentucky Employees Retirement System, the County Employees
13 Retirement System, or the State Police Retirement System.

14 (3) To be eligible for employment under this section, an individual shall have:

15 (a) Participated in the Law Enforcement Foundation Program fund under KRS
16 15.410 to 15.510 as a police officer, retired as a commissioned officer
17 pursuant to KRS Chapter 16, or retired as a police officer from a
18 postsecondary institution;

19 (b) Retired with at least twenty (20) years of service credit;

20 (c) Been separated from service for the period required by KRS 61.637 or
21 78.5540 so that the member's retirement is not voided;

22 (d) Retired with no administrative charges pending; and

23 (e) Retired with no preexisting agreement between the individual and the
24 postsecondary institution prior to the individual's retirement for the individual
25 to return to work for the postsecondary institution.

26 (4) Individuals employed under this section shall:

27 (a) Serve for a term not to exceed one (1) year. The one (1) year employment

- 1 term may be renewed annually at the discretion of the employing
2 postsecondary institution;
- 3 (b) Receive compensation according to the standard procedures applicable to the
4 employing postsecondary institution; and
- 5 (c) Be employed based upon need as determined by the employing postsecondary
6 institution.
- 7 (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,
8 61.510 to 61.705, or 78.510 to 78.852 to the contrary:
- 9 (a) Individuals employed under this section shall continue to receive all
10 retirement and health insurance benefits to which they were entitled upon
11 retiring in the applicable system administered by Kentucky Retirement
12 Systems;
- 13 (b) Individuals employed under this section shall not be eligible to receive health
14 insurance coverage through the employing postsecondary institution;
- 15 (c) The postsecondary institution shall not pay any employer contributions or
16 retiree health expense reimbursements to the Kentucky Retirement Systems
17 required by KRS 61.637(17) for individuals employed under this section; and
- 18 (d) The postsecondary institution shall not pay any insurance contributions to the
19 state health insurance plan, as provided by KRS 18A.225 to 18A.2287, for
20 individuals employed under this section.
- 21 (6) Individuals employed under this section shall be subject to any legislative due
22 process provisions applicable to police officers of the employing postsecondary
23 institution. A decision not to renew a one (1) year appointment term under this
24 section shall not be considered a disciplinary action or deprivation subject to due
25 process.
- 26 (7) The number of retired police officers a postsecondary institution may hire under the
27 provisions of this section shall be limited to five (5) retired police officers or a

1 number equal to twenty-five percent (25%) of the police officers employed by the
2 postsecondary institution in calendar year 2018, whichever is greater.

3 ➔Section 12. KRS 337.100 is amended to read as follows:

4 (1) No employer shall terminate an employee who is a volunteer firefighter, rescue
5 squad member, emergency medical technician, peace officer, or a member of an
6 emergency management agency because that employee, when acting as a volunteer
7 firefighter, rescue squad member, emergency medical technician, peace officer, or a
8 member of an emergency management agency, is absent or late to the employee's
9 employment in order to respond to an emergency prior to the time the employee is
10 to report to his or her place of employment.

11 (2) No employer shall terminate an employee who is a volunteer firefighter, rescue
12 squad member, emergency medical technician, peace officer, law enforcement
13 telecommunicator, or a member of an emergency management agency because that
14 employee, when acting as a volunteer firefighter, rescue squad member, emergency
15 medical technician, peace officer, law enforcement telecommunicator, or a
16 member of an emergency management agency, takes leave following a critical
17 incident pursuant to KRS 15.518 and 95A.292.

18 (3) An employer may charge any time that an employee who is a volunteer firefighter,
19 rescue squad member, emergency medical technician, peace officer, or a member of
20 an emergency management agency loses from employment because of the
21 employee's response to an emergency against the employee's regular pay.

22 (4) An employer may request an employee who loses time from the employee's
23 employment to respond to an emergency to provide the employer with a written
24 statement from the supervisor or acting supervisor of the volunteer fire department,
25 rescue squad, emergency medical services agency, law enforcement agency, or the
26 director of the emergency management agency stating that the employee responded
27 to an emergency and listing the time and date of the emergency.

- 1 (5) No employer shall terminate an employee who is a volunteer firefighter, rescue
2 squad member, emergency medical technician, peace officer, or member of an
3 emergency management agency who is absent for a period of no more than twelve
4 (12) months from the employee's employment because of injuries incurred in the
5 line of duty. The volunteer firefighter, rescue squad member, emergency medical
6 technician, peace officer, or member of an emergency management agency shall
7 provide, at the request of his or her employer:
- 8 (a) A written statement from the supervisor, acting supervisor, or director of the
9 volunteer fire department, rescue squad, emergency medical services agency,
10 law enforcement agency, or emergency management agency under whose
11 command the employee was on active duty and on assignment with that fire
12 department, rescue squad, emergency medical services agency, law
13 enforcement agency, or emergency management agency when the injury
14 occurred; and
- 15 (b) A written statement from at least one (1) licensed and practicing physician
16 stating that the volunteer firefighter, rescue squad member, emergency
17 medical technician, peace officer, or member of an emergency management
18 agency is injured and a date for the employee's return to work.
- 19 (6) Any employee that is terminated in violation of the provisions of this section may
20 bring a civil action against his or her employer. The employee may seek
21 reinstatement to the employee's former position, payment of back wages,
22 reinstatement of fringe benefits, and where seniority rights are granted, the
23 reinstatement of seniority rights. In order to recover, the employee shall file this
24 action within one (1) year of the date of the violation of this section.
- 25 ➔Section 13. This Act takes effect August 1, 2024.