

1 AN ACT relating to law enforcement.

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) "Deadly incident" means any use of deadly force by a police officer or an action**
 7 **taken in the line of duty by a police officer which results in death or serious**
 8 **physical injury to another person.**

9 ~~(3)~~(2) (a) "Police officer" means:

10 1. A local officer, limited to:

11 a. A full-time:

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

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

16 b. A school resource officer as defined in KRS 158.441; and

17 2. A state officer, limited to:

18 a. A public university police officer;

19 b. A Kentucky state trooper;

20 c. A Kentucky State Police arson investigator;

21 d. A Kentucky State Police hazardous device investigator;

22 e. A Kentucky State Police legislative security specialist;

23 f. A Kentucky vehicle enforcement officer;

24 g. A Kentucky Horse Park mounted patrol officer, subject to KRS
 25 15.460(1)(f);

26 h. A Kentucky state park ranger, subject to KRS 15.460(1)(f);

27 i. An agriculture investigator;

- 1 j. A charitable gaming investigator;
- 2 k. An alcoholic beverage control investigator;
- 3 l. An insurance fraud investigator;
- 4 m. An Attorney General investigator; and
- 5 n. A Kentucky Department of Fish and Wildlife Resources
- 6 conservation officer, subject to KRS 15.460(1)(e);
- 7 who is responsible for the prevention and detection of crime and the
- 8 enforcement of the general criminal laws of the state;

9 (b) "Police officer" does not include any sheriff who earns the maximum

10 constitutional salary for this office, any special deputy sheriff appointed under

11 KRS 70.045, any constable, deputy constable, district detective, deputy district

12 detective, special local peace officer, auxiliary police officer, or any other

13 peace officer not specifically authorized in KRS 15.410 to 15.510;

14 ~~(4)~~~~(3)~~ "Police department" means the employer of a police officer;

15 ~~(5)~~~~(4)~~ "Retirement plan" means a defined benefit plan consisting of required

16 employer contributions pursuant to KRS 61.565, 61.702, or any other provision of

17 law;

18 ~~(6)~~~~(5)~~ "Unit of government" means any city, county, combination of cities and

19 counties, public university, state agency, local school district, or county sheriff's

20 office of the Commonwealth; and

21 ~~(7)~~~~(6)~~ "Validated job task analysis" means the core job description that describes the

22 minimum entry level requirements, qualifications, and training requirements for

23 peace officers in the Commonwealth, and that is based upon an actual survey and

24 study of police officer duties and responsibilities conducted by an entity recognized

25 by the council as being competent to conduct such a study.

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

27 (1) Each unit of government that meets the following requirements shall be

1 eligible to share in the distribution of funds from the Law Enforcement Foundation

2 Program fund:

- 3 (a) Employs one (1) or more police officers;
- 4 (b) Pays every police officer at least the minimum federal wage;
- 5 (c) Requires all police officers to have, at a minimum, a high school degree, or its
6 equivalent as determined by the council, except that each police officer
7 employed prior to the date on which the officer's police department was
8 included as a participant under KRS 15.410 to 15.510 shall be deemed to have
9 met the requirements of this subsection;
- 10 (d) 1. Requires all police officers to successfully complete a basic training
11 course of nine hundred twenty-eight (928) hours' duration within one (1)
12 year of the date of employment at a school certified or recognized by the
13 council, which may provide a different number of hours of instruction as
14 established in this paragraph, except that each police officer employed
15 prior to the date on which the officer's police department was included
16 as a participant under KRS 15.410 to 15.510 shall be deemed to have
17 met the requirements of this subsection.
- 18 2. As the exclusive method by which the number of hours required for
19 basic training courses shall be modified from that which is specifically
20 established by this paragraph, the council may, by the promulgation of
21 administrative regulations in accordance with the provisions of KRS
22 Chapter 13A, explicitly set the exact number of hours for basic training
23 at a number different from nine hundred twenty-eight (928) hours based
24 upon a training curriculum approved by the Kentucky Law Enforcement
25 Council as determined by a validated job task analysis.
- 26 3. If the council sets an exact number of hours different from nine hundred
27 twenty-eight (928) in an administrative regulation as provided by this

1 paragraph, it shall not further change the number of hours required for
2 basic training without promulgating administrative regulations in
3 accordance with the provisions of KRS Chapter 13A.

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

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

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

23 b. Basic training completed in another state.

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

- 1 a. Completion of eight hundred forty-eight (848) hours of training at
2 a school established pursuant to KRS 15A.070;
- 3 b. A minimum of fifteen (15) years of experience as a certified law
4 enforcement instructor at a school established pursuant to KRS
5 15A.070;
- 6 c. Completion of an average of forty (40) hours of Kentucky Law
7 Enforcement Council approved in-service training annually from
8 January 1, 1997, through January 1, 2020;
- 9 d. Completion of all mandatory training obligations under KRS
10 15.334 from January 1, 1997, to January 1, 2020;
- 11 e. Three (3) years of active, full-time service as a:
- 12 i. City, county, urban-county, charter county, consolidated
13 local, or unified local government police officer;
- 14 ii. Sheriff's deputy, excluding special deputies appointed under
15 KRS 70.045;
- 16 iii. Department of Kentucky State Police officer; or
- 17 iv. Kentucky Department of Fish and Wildlife Resources
18 conservation officer exercising peace officer powers under
19 KRS 150.090; and
- 20 f. Completion of the:
- 21 i. Twenty-four (24) hour legal update Penal Code course;
- 22 ii. Sixteen (16) hour legal update constitutional procedure
23 course; and
- 24 iii. Forty (40) hour basic officer skills course within one (1) year
25 prior to applying for certification;
- 26 (e) Requires all police officers to successfully complete each calendar year an in-
27 service training course, appropriate to the officer's rank and responsibility and

- 1 the size and location of the officer's police department, of forty (40) hours'
2 duration, at a school certified or recognized by the council which may include
3 a four (4) hour course which meets the requirements of paragraph (j) of this
4 subsection. This in-service training requirement shall be waived for the period
5 of time that a peace officer is serving on active duty in the United States
6 Armed Forces. This waiver shall be retroactive for peace officers from the
7 date of September 11, 2001;
- 8 (f) Complies with all provisions of law applicable to police officers or police
9 departments, including transmission of data to the centralized criminal history
10 record information system as required by KRS 17.150 and transmission of
11 reports as required by KRS 15.391;
- 12 (g) Complies with all rules and regulations, appropriate to the size and location of
13 the police department issued by the cabinet to facilitate the administration of
14 the fund and further the purposes of KRS 15.410 to 15.510;
- 15 (h) Possesses a written policy and procedures manual related to domestic violence
16 for law enforcement agencies that has been approved by the cabinet. The
17 policy shall comply with the provisions of KRS 403.715 to 403.785. The
18 policy shall include a purpose statement; definitions; supervisory
19 responsibilities; procedures for twenty-four (24) hour access to protective
20 orders; procedures for enforcement of court orders or relief when protective
21 orders are violated; procedures for timely and contemporaneous reporting of
22 adult abuse and domestic violence to the Cabinet for Health and Family
23 Services, Department for Community Based Services; victim rights,
24 assistance, and service responsibilities; and duties related to timely completion
25 of records;
- 26 (i) Possesses by January 1, 2017, a written policy and procedures manual related
27 to sexual assault examinations that meets the standards provided by, and has

1 been approved by, the cabinet, and which includes:

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

24 *(j) Complies with and possesses by July 30, 2021, a written policy and*
25 *procedures manual related to mandatory drug and alcohol testing of police*
26 *officers after the discharge of a firearm or deadly incident which includes:*

- 27 *1. A requirement that each police officer who has discharged their*

1 firearm or been involved in a deadly incident submit to drug and
2 alcohol testing;

3 2. A requirement that drug and alcohol testing be performed as soon as
4 practicable after the discharge of a firearm or deadly incident but no
5 later than two (2) hours after the discharge of a firearm or deadly
6 incident and before any interviews are conducted regarding the
7 incident;

8 3. A requirement that police officers who do not submit to mandatory
9 drug and alcohol testing after the discharge of a firearm or deadly
10 incident within two (2) hours:

11 a. Be suspended without pay for a period of not less than ninety
12 (90) days;

13 b. Draft a written statement detailing the reasons the police officer
14 did not submit to drug and alcohol testing within two (2) hours
15 that shall become part of the law enforcement officer's personnel
16 file; and

17 c. Provide the written statement to the Law Enforcement Council.

18 4. A requirement that police officers who test positive for either drugs or
19 alcohol after the discharge of a firearm or deadly incident be
20 suspended without pay for a period of not less than one hundred
21 eighty (180) days; and

22 5. A requirement that the police department submit its final
23 determination to the Law Enforcement Council regarding its
24 disposition of the investigation; and

25 ~~(k)~~(j) Requires all police officers to successfully complete by December 31,
26 2022, and every two (2) years thereafter, a training course certified by the
27 council of not less than four (4) hours in emergency vehicle operation.

- 1 (2) A unit of government which meets the criteria of this section shall be eligible to
2 continue sharing in the distribution of funds from the Law Enforcement Foundation
3 Program fund only if the police department of the unit of government remains in
4 compliance with the requirements of this section.
- 5 (3) Deputies employed by a sheriff's office shall be eligible to participate in the
6 distribution of funds from the Law Enforcement Foundation Program fund
7 regardless of participation by the sheriff.
- 8 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
9 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
10 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
11 criminal action.

12 ➔Section 3. KRS 15.330 is amended to read as follows:

- 13 (1) The council is vested with the following functions and powers:
- 14 (a) To prescribe standards for the approval and continuation of approval of
15 schools at which law enforcement and telecommunications training courses
16 required under KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992
17 shall be conducted, including but not limited to minimum standards for
18 facilities, faculty, curriculum, and hours of attendance related thereto;
- 19 (b) To prescribe minimum qualifications for instructors at such schools, except
20 that institutions of higher education shall be exempt from council
21 requirements;
- 22 (c) To prescribe qualifications for attendance and conditions for expulsion from
23 such schools;
- 24 (d) To prescribe minimum standards and qualifications for voluntary career
25 development programs for certified peace officers and telecommunicators,
26 including minimum standards for experience, education, and training, and to
27 issue certificates to those meeting the minimum standards;

- 1 (e) To approve, to issue, and to revoke for cause certificates to schools and
 2 instructors as having met requirements under KRS 15.310 to 15.404;
- 3 (f) To approve law enforcement officers, telecommunicators, and other persons
 4 as having met requirements under KRS 15.310 to 15.510, 15.530 to 15.590,
 5 and 15.990 to 15.992;
- 6 (g) To inspect and evaluate schools at any time and to require of schools,
 7 instructors, and persons approved or to be approved under the provisions of
 8 KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992, any
 9 information or documents;
- 10 (h) To promulgate reasonable rules and administrative regulations in accordance
 11 with KRS Chapter 13A to accomplish the purposes of KRS 15.310 to 15.404
 12 and KRS 158.4414;
- 13 (i) To monitor the Law Enforcement Foundation Program as prescribed in KRS
 14 15.410 to 15.510;
- 15 (j) To adopt bylaws for the conduct of its business not otherwise provided for;{
 16 and}
- 17 (k) The council shall have the authority to certify police officers as set out in this
 18 chapter; and
- 19 (l) Beginning on January 1, 2022, to create and maintain a database
 20 containing information related to a peace officers detailing:
 21 1. Untruthful statements concerning a material fact while testifying
 22 under oath or during an internal affairs investigation;
 23 2. Repeated failure to follow training requirements;
 24 3. Revocation of certification; and
 25 4. Termination for cause.
- 26 (2) The provisions of KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992
 27 do not apply to the Department of Kentucky State Police except for the certification

1 requirement established by this chapter and the provisions of paragraph (1) of
2 subsection (1) of this section.

3 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Profiling" means the practice of relying on race, ethnicity, gender,
7 national origin, language, religion, sexual orientation, gender identity, age,
8 or disability in:

9 1. Determining the existence of probable cause to place in custody or
10 arrest an individual or constituting a reasonable and articulable
11 suspicion that an offense has been or is being committed so as to
12 justify the detention of an individual or the investigatory stop of a
13 vehicle; or

14 2. Determining the scope, substance, or duration of an investigation or
15 law enforcement activity to which a person will be subjected.

16 (b) "Contact" means an interaction with an individual, initiated by a peace
17 officer, whether consensual or nonconsensual, for the purpose of enforcing
18 the law or investigating possible violations of the law.

19 (2) Profiling is prohibited, except that a peace officer may consider age when making
20 law enforcement decisions if the peace officer is investigating a status offense.

21 (3) A peace officer shall have a legal basis for making a contact for the purposes of
22 enforcing the law or investigating possible violations of the law. After making a
23 contact, a peace officer shall report to the peace officer's employing agency;

24 (a) The perceived demographic information of the person contacted, provided
25 that the identification of these characteristics is based on the observation
26 and perception of the peace officer making the contact and other available
27 data;

1 (b) Whether the contact was a traffic stop;

2 (c) The time, date, and location of the contact;

3 (d) The duration of the contact;

4 (e) The reason for the contact;

5 (f) The suspected crime;

6 (g) The result of the contact, such as:

7 1. No action, warning, citation, property seizure, or arrest;

8 2. If a warning or citation was issued, the warning provided or violation
9 cited;

10 3. If an arrest was made, the offense charged; and

11 4. If the contact was a traffic stop, the information collected; and

12 (h) The actions taken by the peace officer during the contact, including but not
13 limited to whether:

14 1. The peace officer asked for consent to search the person, vehicle, or
15 other property, and, if so, whether consent was provided;

16 2. The peace officer searched the person or any property, and, if so, the
17 basis for the search and the type of contraband or evidence discovered,
18 if any;

19 3. The peace officer seized any property, and, if so, the type of property
20 that was seized and the basis for seizing the property;

21 4. A peace officer unholstered a weapon during the contact; and

22 5. A peace officer discharged a firearm during the contact.

23 (4) A peace officer shall provide their business card to any person who the peace
24 officer has detained in a traffic stop but has not cited or arrested. The business
25 card shall include identifying information about the peace officer, including but
26 not limited to the peace officer's name, department, badge or other identification
27 number, a telephone number that may be used to report any comments regarding

1 the traffic stop, and information about how to file a complaint related to the
2 contact.

3 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) Beginning July 1, 2023, and on every July 1 thereafter, the Justice and Public
6 Safety Cabinet shall submit an annual report to the General Assembly including
7 all of the information that is reported to the cabinet pursuant to subsection (2) of
8 this section, aggregated and broken down by law enforcement agency, along with
9 the underlying data.

10 (2) As used in this section, "contact" means an interaction with an individual,
11 initiated by a peace officer, whether consensual or nonconsensual, for the
12 purpose of enforcing the law or investigating possible violations of the law.

13 (3) Beginning January 1, 2023, and on every January 1 thereafter, the Kentucky
14 State Police and each local law enforcement agency shall report to the Justice
15 and Public Safety Cabinet:

16 (a) All use of force incidents by its peace officers that result in death or serious
17 physical injury, including:

18 1. The date, time, and location of the use of force;

19 2. The perceived demographic information of the person contacted,
20 provided that the identification of these characteristics is based on the
21 observation and perception of the peace officer making the contact
22 and other available data;

23 3. The names of all peace officers who were at the scene and involved in
24 the use of force, who are a defendant in a civil suit arising from the
25 use of force, or who have been charged criminally;

26 4. The identification or badge number of all peace officers who were at
27 the scene and not involved in the use of force;

- 1 5. The type of force used, the severity and nature of the injury, whether
2 the peace officer suffered physical injury, and the severity of the peace
3 officer's injury;
- 4 6. Whether the peace officer was on duty at the time of the use of force;
- 5 7. Whether a peace officer unholstered a weapon during the incident;
- 6 8. Whether a peace officer discharged a firearm during the incident;
- 7 9. Whether the use of force resulted in a law enforcement agency
8 investigation and the result of the investigation; and
- 9 10. Whether the use of force resulted in a citizen complaint and the result
10 of that complaint;
- 11 (b) All instances when a peace officer resigned while under investigation for
12 violating department policy;
- 13 (c) All data relating to contacts conducted by its peace officers, including:
- 14 1. The perceived demographic of the person contacted, provided that the
15 identification of these characteristics is based on the observations and
16 perception of the peace officer making the contact and other available
17 data;
- 18 2. Whether the contact was a traffic stop;
- 19 3. The time, date, and location of the contact;
- 20 4. The duration of the contact;
- 21 5. The reason for the contact;
- 22 6. The suspected crime;
- 23 7. The result of the contact, such as:
- 24 a. No action, warning, citation, property seizure, or arrest;
- 25 b. If a warning or citation was issued, the warning provided or
26 violation cited;
- 27 c. If an arrest was made, the offense charged; and

- 1 d. If the contact was a traffic stop, the information collected; and
- 2 8. The actions taken by the peace officer during the contact, including
- 3 but not limited to whether:
- 4 a. The peace officer asked for consent to search the person, vehicle,
- 5 or other property, and, if so, whether consent was provided;
- 6 b. The peace officer searched the person or any property, and, if so,
- 7 the basis for the search and the type of contraband or evidence
- 8 discovered, if any;
- 9 c. The peace officer seized any property and, if so, the type of
- 10 property that was seized and the basis for seizing the property;
- 11 d. A peace officer unholstered a weapon during the contact; and
- 12 e. A peace officer discharged a firearm during the contact; and
- 13 (d) All instances of unannounced entry into a residence, with or without a
- 14 warrant, including:
- 15 1. The date, time, and location of the unannounced entry;
- 16 2. The perceived demographic of the subject of the unannounced entry,
- 17 provided that the identification of these characteristics is based on the
- 18 observation and perception of the peace officer making the entry and
- 19 other available data;
- 20 3. Whether a peace officer unholstered a weapon during the
- 21 unannounced entry; and
- 22 4. Whether a peace officer discharged a firearm during the
- 23 unannounced entry.
- 24 (4) The Kentucky State Police and local law enforcement agencies shall not report
- 25 the name, address, social security number, or other personal identifying
- 26 information of the subject of the use of force, victim of the official misconduct, or
- 27 persons contacted, searched, or subjected to property seizure. Notwithstanding

1 any provision of the law to the contrary, the data reported pursuant to this section
2 shall be available to the public pursuant to subsection (5) of this section.

3 (5) The Justice and Public Safety Cabinet shall maintain a statewide database with
4 data collected pursuant to this section, in a searchable format, and publish the
5 database on its Web site.

6 (6) The Kentucky State Police and any local law enforcement agency that fails to
7 meet its reporting requirements pursuant to this section is subject to the
8 suspension of Law Enforcement Foundation Program funds.

9 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) A peace officer shall intervene to prevent or stop another peace officer from
12 using physical force that exceeds the degree of force permitted in pursuance of
13 the other peace officer's law enforcement duties in circumstances including but
14 not limited to effecting an arrest, placing a person under detention, taking a
15 person into custody, booking a person, executing a warrant, or in the process of
16 crowd or riot control, without regard for chain of command.

17 (2) (a) A peace officer who intervenes as required under this section shall report
18 the intervention to his or her immediate supervisor.

19 (b) The report shall include the date, time, location of the intervention, the
20 identity and description of the participants, and a description of the
21 intervention actions taken. This report shall be made in writing within ten
22 (10) days of the occurrence of the use of force.

23 (3) A law enforcement agency shall not discipline or retaliate in any way against a
24 peace officer for intervening as required under this section, or for reporting
25 unconstitutional conduct, or for failing to follow what the officer reasonably
26 believes is an unconstitutional directive.

27 (4) Any peace officer who fails to intervene to prevent the use of unlawful force

1 under this subsection shall be guilty of a Class A misdemeanor. Nothing in this
 2 section shall prohibit the prosecution of any other criminal offense related to
 3 failure to intervene.

4 (5) When a peace officer is charged with an offense based upon the use of excessive
 5 force and any other peace officer who was at the scene during the use of force is
 6 not charged, a Commonwealth or county attorney shall release a report detailing
 7 the basis for not charging any other peace officers.

8 (6) The Commonwealth or county attorney shall not release a report if disclosure of
 9 the report would substantially interfere with or jeopardize an ongoing criminal
 10 investigation. Disclosure of the report may be delayed up to forty-five (45) days.

11 (7) Nothing in this section is intended to prohibit criminal prosecution of an officer
 12 who failed to intervene for conduct in which the facts support a criminal charge.

13 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
 14 READ AS FOLLOWS:

15 After the investigation of an incident involving the discharge of a firearm by a peace
 16 officer that resulted in injury or death, a Commonwealth or county attorney shall:

17 (1) If no criminal charges are filed, release a report detailing their findings and the
 18 basis for the decision;

19 (2) If criminal charges are filed, release a public statement detailing the charges:
 20 and

21 (3) If a grand jury returns a no true bill, release a public statement announcing the
 22 decision.

23 ➔Section 8. KRS 15.340 is amended to read as follows:

24 Subject to approval by the secretary, the department may make its facilities and services
 25 available upon the following terms:

26 (1) The department may determine to which law enforcement agencies, corrections
 27 agencies, and court agencies and its officers it will offer training;

1 (2) In determining the law enforcement officers for which it will offer training and in
2 allocating available funds, the department shall give first priority to "police officers"
3 as defined by KRS 15.420(3)~~(2)~~, public airport authority security officers, and
4 campus police;

5 (3) Fire investigators shall be offered training by the department;

6 (4) Except for the officers described in subsection (2) of this section, the department
7 may determine whether persons to whom it offers training or agencies employing
8 such persons must bear any or all costs of such training.

9 ➔Section 9. KRS 15.460 is amended to read as follows:

10 (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of
11 government shall be entitled to receive an annual supplement of three
12 thousand dollars (\$3,000) for each qualified police officer it employs. The
13 supplement amount shall be increased to four thousand dollars (\$4,000)
14 beginning July 1, 2018.

15 (b) 1. In addition to the supplement, the unit of government shall receive an
16 amount equal to the required employer's contribution on the supplement
17 to the retirement plan and duty category to which the officer belongs. In
18 the case of County Employees Retirement System membership, the
19 retirement plan contribution on the supplement shall be paid whether the
20 officer enters the system under hazardous duty coverage or
21 nonhazardous coverage.

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

25 3. If the foundation program funds are insufficient to pay employer
26 contributions to the system, then the total amount available for
27 retirement plan payments shall be prorated to each eligible government

1 so that each receives the same percentage of required retirement plan
2 costs attributable to the cash salary supplement.

3 (c) 1. In addition to the payments received under paragraphs (a) and (b) of this
4 subsection, but only if sufficient funds are available to make all
5 payments required under paragraph (b) of this subsection, each unit of
6 government shall receive an administrative expense reimbursement in an
7 amount equal to seven and sixty-five one-hundredths percent (7.65%) of
8 the total annual supplement received greater than three thousand one
9 hundred dollars (\$3,100) for each qualified police officer that is a local
10 officer as defined in KRS 15.420(3)~~[(2)]~~(a)1. that it employs, subject to
11 the cap established by subparagraph 3. of this paragraph.

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

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

23 (d) In addition to the payments received under paragraphs (a) and (b) of this
24 subsection, each unit of government shall receive the associated fringe
25 benefits costs for the total supplement of four thousand dollars (\$4,000) for
26 each qualified police officer that is a state officer as defined in KRS
27 15.420(3)(a)2.~~[15.420(2)(a)2.]~~ that it employs. Fringe benefits shall be limited

1 to retirement plan contributions and the federal insurance contributions act
2 tax.

3 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky
4 Department of Fish and Wildlife Resources conservation officer appointed
5 pursuant to KRS 150.090(2) and listed in KRS
6 15.420(3)(a)2.n.~~[15.420(2)(a)2.n.]~~ shall be a participant in the Kentucky Law
7 Enforcement Foundation Program fund, but shall not receive an annual
8 supplement from that fund. A conservation officer shall receive an annual
9 training stipend commensurate to the annual supplement paid to the police
10 officer as defined in KRS 15.420. The annual training stipend disbursed to a
11 conservation officer shall be paid from the game and fish fund pursuant to
12 KRS 150.150.

13 (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall
14 be deemed a police officer solely for the purpose of inclusion in the Law
15 Enforcement Foundation Program fund.

16 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
17 of government to each police officer whose qualifications resulted in receipt of a
18 supplemental payment. The payment shall be in addition to the police officer's
19 regular salary and, except as provided in subsection (4)(b) of this section, shall
20 continue to be paid to a police officer who is a member of:

21 (a) The Kentucky National Guard during any period of activation under Title 10
22 or 32 of the United States Code or KRS 38.030; or

23 (b) Any reserve component of the United States Armed Forces during any period
24 of activation with the United States Armed Forces.

25 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246
26 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.

27 (b) A qualified sheriff who does not receive the maximum salary allowed by

1 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
2 expense allowance provided by KRS 70.170, shall upon annual settlement
3 with the fiscal court under KRS 134.192, receive that portion of the
4 supplement that will not cause his or her compensation to exceed the
5 maximum salary.

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

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

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

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

1 purposes.

2 (5) A unit of government receiving disbursements under this section shall follow all
3 laws applicable to it that may govern due process disciplinary procedures for its
4 officers, but this subsection shall not be interpreted to:

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

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

11 (c) Authorize a termination of an agency's participation as a result of a judgment
12 that the unit of government failed to follow its procedures in any independent
13 cause of action brought by the police officer against the unit of government; 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 10. KRS 15.520 is amended to read as follows:

17 (1) As used in this section:

18 (a) "Citizen" means any individual who is not:

19 1. A member or supervisor within the law enforcement agency that
20 employs an officer; or

21 2. An elected or appointed official within the unit of government under
22 which the law enforcement agency that employs the officer is organized;

23 (b) "Complaint" means any statement by a citizen, whether written or verbal, that
24 alleges any type of misconduct by an officer, including statements that are
25 submitted or received anonymously;

26 (c) "Disciplinary action" means termination, demotion, a decrease in pay or grade,
27 suspension without pay, and a written reprimand;

- 1 (d) "General employment policies" means the rules, regulations, policies, and
2 procedures commonly applicable to the general workforce or civilian
3 employees that are not unique to law enforcement activities or the exercise of
4 peace officer authority, regardless of whether those rules, regulations, policies,
5 and procedures exist or appear in a departmental manual or handbook that is
6 solely applicable to a law enforcement department or agency within the unit of
7 government employing the officer;
- 8 (e) "Interrogation" means a formal investigative interview and does not mean
9 conversations or meetings of supervisory personnel and subordinate officers
10 that are not intended to result in disciplinary action, such as conversations or
11 meetings held for the purpose of providing corrective instruction counseling
12 or coaching;
- 13 (f) "Law enforcement procedures" means only those policies, rules, and customs
14 that:
- 15 1. Are specific to the conduct of officers in the exercise of law enforcement
16 powers and functions, including, without limitation: use of force,
17 conduct in the course of pursuits, conduct during stops or detentions of
18 citizens, conduct in the course of interacting with, assisting, or
19 questioning of citizens, and investigative conduct;
 - 20 2. Are carried out in the course of peace officer functions;
 - 21 3. Are not general employment policies; and
 - 22 4. May exist in either written form or in the form of unwritten standards,
23 practices, or protocols generally accepted and applied in the law
24 enforcement profession;
- 25 (g) "Misconduct" means any act or omission by an officer that violates criminal
26 law, law enforcement procedures, or the general employment policies of the
27 employing agency; and

- 1 (h) "Officer" means a person employed as a full-time peace officer by a unit of
2 government that receives funds under KRS 15.410 to 15.510, except a state
3 officer listed in KRS 15.420(3)(a)2.b.~~[15.420(2)(a)2.b]~~. to f. and n., who has
4 completed any officially established initial probationary period of employment
5 lasting no longer than twelve (12) months not including, unless otherwise
6 specified by the employing agency, any time the officer was employed and
7 completing the basic training required by KRS 15.404.
- 8 (2) In order to establish a minimum system of professional conduct for officers of local
9 units of government of this Commonwealth, the following standards are stated as
10 the intention of the General Assembly to deal fairly and establish administrative due
11 process rights in certain disciplinary matters concerning those officers of an
12 employing unit of government that participates in the Kentucky Law Enforcement
13 Foundation Program fund administered pursuant to KRS 15.430 and, at the same
14 time, to provide a means for redress by the citizens of the Commonwealth for
15 wrongs allegedly done to them by officers covered by this section.
- 16 (3) Any complaint taken from a citizen alleging misconduct on the part of any officer
17 shall be taken as follows:
- 18 (a) If the complaint alleges criminal activity by an officer, the allegations may be
19 investigated without a signed, sworn complaint of the citizen;
- 20 (b) If the complaint alleges any other type of violation not constituting criminal
21 activity, including violations of law enforcement procedures or the general
22 employment policies of the employing agency, an affidavit, signed and sworn
23 to by the citizen, shall be obtained, except as provided by paragraph (c) of this
24 subsection; or
- 25 (c) If a complaint is required to be obtained and the citizen, upon request, refuses
26 to make allegations under oath in the form of an affidavit, signed and sworn
27 to, the employing agency may investigate the allegations, but shall bring

1 charges under subsection (6) of this section against the officer only if the
2 employing agency can independently substantiate the allegations absent the
3 sworn statement of the citizen.

4 (4) (a) When an officer is accused of an act or omission that would constitute a
5 violation of law enforcement procedures by any individual within the law
6 enforcement agency employing the officer, including supervisors and elected
7 or appointed officials of the officer's employing agency, the employing agency
8 shall conform the conduct of any investigation to the provisions of subsection
9 (5) of this section, shall formally charge the officer in accordance with
10 subsection (6) of this section, and shall conduct a hearing in accordance with
11 subsection (7) of this section before any disciplinary action shall be taken
12 against the officer.

13 (b) The provisions of this subsection shall not prevent the employing agency from
14 suspending the officer, with or without pay, during an investigation and
15 pending the final disposition of any formal charges, except that an officer
16 suspended without pay shall be entitled to full back pay and benefits for the
17 regular hours he or she would have worked if no formal charges are brought or
18 the hearing authority finds the officer not guilty of the charges.

19 (c) An employing agency shall not be required to follow the provisions of this
20 section in addressing conduct by the officer that would constitute a violation
21 of the general employment policies of the employing agency.

22 (5) (a) Any complaint filed by a citizen under subsection (3) of this section or any
23 allegation of conduct that would constitute a violation of law enforcement
24 procedures under subsection (4) of this section shall be investigated by the
25 employing agency or another designated law enforcement agency in
26 accordance with the provisions of this subsection if the employing agency
27 determines that an investigation of the complaint or the alleged conduct is

1 warranted.

2 (b) No threats, promises, or coercions shall be used at any time against any officer
3 while he or she is a suspect in a criminal case or has been accused of a
4 violation of law enforcement procedures. Suspension from duty with or
5 without pay, or reassignment to other than an officer's regular duties during
6 the period shall not be deemed coercion. Prior to or within twenty-four (24)
7 hours after suspending the officer pending investigation or disposition of a
8 complaint, the officer shall be advised in writing of the reasons for the
9 suspension.

10 (c) Unless otherwise agreed to in writing by the officer, no police officer shall be
11 subjected to interrogation for alleged conduct that violates law enforcement
12 procedures, until forty-eight (48) hours have expired from the time the request
13 for interrogation is made to the accused officer, in writing. The notice of
14 interrogation shall include a statement regarding any reason for the
15 interrogation and shall be served on the officer by certified mail, return receipt
16 requested, or by personal delivery.

17 (d) The interrogation shall be conducted while the officer is on duty. The officer
18 may be required to submit a written report of the alleged incident if the
19 request is made by the employing agency no later than the end of the subject
20 officer's next tour of duty after the tour of duty during which the employing
21 agency initially was made aware of the complaint.

22 (e) If an officer is under arrest, or likely to be arrested, or a suspect in any
23 criminal investigation, he or she shall be afforded the same constitutional due
24 process rights that are accorded to any civilian, including, but not limited to,
25 the right to remain silent and the right to counsel, and shall be notified of
26 those rights before any questioning commences.

27 (6) (a) If it is determined through investigation or other means that the facts alleged

1 in a citizen complaint or in an accusation of a violation of law enforcement
2 procedures warrant charging the officer, the charge shall be made in writing
3 with sufficient specificity so as to fully inform the officer of the nature and
4 circumstances of the alleged violation in order that he or she may be able to
5 properly defend himself or herself.

6 (b) The charge shall be signed by a representative of the employing agency, shall
7 set out the disciplinary action recommended or imposed, and shall be served
8 on the officer in writing by certified mail, return receipt requested, or by
9 personal delivery.

10 (c) When an officer has been charged with a violation of law enforcement
11 procedures, no public statements shall be made concerning the alleged
12 violation by any person or persons of the employing agency or the officer so
13 charged, until final disposition of the charges.

14 (d) No officer as a condition of continued employment by the employing agency
15 shall be compelled to speak or testify or be questioned by any person or body
16 of a nongovernmental nature.

17 (7) Unless waived by the charged officer in writing, a hearing shall be conducted by the
18 officer's appointing authority to determine whether there is substantial evidence to
19 prove the charges and to determine what, if any, disciplinary action shall be taken if
20 substantial evidence does exist. In conducting a hearing, the following
21 administrative due process rights shall be recognized and these shall be the
22 minimum rights afforded any officer charged, except as otherwise agreed to in
23 writing by the officer and the employing agency:

24 (a) The accused officer shall be given at least twelve (12) days' written notice of
25 any hearing. The notice of hearing shall be served on the officer by certified
26 mail, return receipt requested, or by personal delivery;

27 (b) Copies of any sworn statements or affidavits to be considered by the hearing

1 authority and any exculpatory statements or affidavits shall be furnished to the
2 officer no less than twelve days (12) prior to the time of any hearing;

3 (c) At any hearing based upon the sworn complaint of a citizen, the citizen shall
4 be notified to appear at the time and place of the hearing by certified mail,
5 return receipt requested, or by personal delivery;

6 (d) If the return receipt has been returned unsigned, or the individual does not
7 appear, except due to circumstances beyond his or her control he or she cannot
8 appear at the time and place of the hearing, any charge resulting from a
9 complaint made by that citizen shall not be considered by the hearing
10 authority and shall be dismissed with prejudice;

11 (e) The accused officer shall have the right and opportunity to obtain and have
12 counsel present, and to be represented by counsel;

13 (f) The appointing authority, legislative body, or other body as designated by the
14 Kentucky Revised Statutes shall subpoena and require the attendance of
15 witnesses and the production by them of books, papers, records, and other
16 documentary evidence at the request of the accused officer or the charging
17 party. If any person fails or refuses to appear under the subpoena, or to testify,
18 or to attend, or produce the books, papers, records, or other documentary
19 evidence lawfully required, the appointing authority, legislative body, or other
20 body as designated by the Kentucky Revised Statutes may report to the Circuit
21 Court or any judge thereof the failure or refusal, and apply for a rule. The
22 Circuit Court, or any judge thereof, may on the application compel obedience
23 by proceedings for contempt as in the case of disobedience of the
24 requirements of a subpoena issued from the court;

25 (g) The accused officer shall be allowed to present witnesses and any
26 documentary or other relevant evidence the officer wishes to provide to the
27 hearing authority, and may cross-examine all witnesses called by the charging

1 party;

2 (h) If any officer who has been suspended with or without pay is not given a
3 hearing as provided by this section within seventy-five (75) days of any charge
4 being filed pursuant to this section, the charge shall be dismissed with
5 prejudice and shall not be considered by any hearing authority and the officer
6 shall be reinstated with full back pay and benefits;

7 (i) Any officer who has been suspended without pay who is found not guilty of
8 the charges by the hearing authority shall be reinstated with the full back pay
9 and benefits for the regular hours he or she would have worked;

10 (j) The failure to provide any of the rights or to follow the provisions of this
11 section may be raised by the officer with the hearing authority. The hearing
12 authority shall not exclude proffered evidence based on failure to follow the
13 requirements of this section but shall consider whether, because of the failure,
14 the proffered evidence lacks weight or credibility and whether the officer has
15 been materially prejudiced; and

16 (k) To the extent the provisions of KRS 61.805 to 61.850 are applicable, the
17 hearing authority may conduct the hearing required by this subsection in a
18 closed session, unless the officer requests of the hearing authority in writing at
19 least three (3) days prior to the hearing that the hearing be open to the public.

20 (8) (a) Any officer who is found guilty by any hearing authority of any charge, may
21 bring an action in the Circuit Court in the county in which the employing
22 agency is located within thirty (30) days of the date written findings are issued
23 to appeal the action of the hearing authority. The appeal shall be initiated by
24 the filing of a complaint in the same manner as any civil action under the
25 Rules of Civil Procedure and shall include a copy of the hearing authority's
26 final order. The Circuit Court review of the case shall be based solely upon the
27 administrative record created before the hearing authority and any new

1 evidence offered by the officer regarding alleged arbitrariness on the part of
2 the hearing authority.

3 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of
4 Appeals. The procedure as to appeal to the Court of Appeals shall be the same
5 as in any civil action.

6 (9) The provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall not apply in any
7 proposed disciplinary action arising from a citizen complaint made under subsection
8 (3) of this section or arising from any allegation of conduct that would constitute a
9 violation of law enforcement procedures under subsection (4) of this section. This
10 section shall not be interpreted or construed to alter or impair any of the substantive
11 rights provided to a city police officer under KRS 90.310 to 90.410, 95.450, and
12 95.765 for any proposed disciplinary action or other matters not arising under
13 subsections (3) and (4) of this section, including proposed actions involving alleged
14 violations of general employment policies. To the extent that the provisions of this
15 section are inapplicable to any proposed disciplinary action against a city police
16 officer, the provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall remain in
17 full force and effect.

18 (10) As the provisions of this section relate to a minimum system of professional
19 conduct, nothing in this section shall be interpreted or construed to:

20 (a) Limit or to in any way affect any rights previously afforded to officers of the
21 Commonwealth by statute, collective bargaining or working agreement, or
22 legally adopted ordinance;

23 (b) Preclude an employing agency from investigating and charging an officer both
24 criminally and administratively;

25 (c) Prevent the suspension with or without pay or reassignment of an officer
26 during an investigation and pending final disposition charges;

27 (d) Permit an employing agency to categorize and treat any complaint that

1 originates from a citizen as an internal matter in order to avoid application of
2 all of the provisions of this section to the final disposition of a citizen's
3 complaint;

4 (e) Apply any disciplinary action required by this section to actions taken by an
5 employing agency that is not related to misconduct by a law enforcement
6 officer, such as personnel decisions made by the employing agency due to a
7 lack of resources or personnel decisions related to a chief's management of a
8 police department; or

9 (f) Prevent an employing agency from electing to apply the provisions of this
10 section, or parts thereof, in circumstances that would not be covered under this
11 section.

12 (11) This section shall not apply to officers employed by a consolidated local
13 government that receives funds under KRS 15.410 to 15.510, who shall instead be
14 governed by the provisions of KRS 67C.326.

15 ➔Section 11. KRS 15.512 is amended to read as follows:

16 Each law enforcement agency or other employing agency whose officers are
17 required to meet the training requirements of KRS 15.440(1)(k)~~[15.440(1)(j)]~~ shall retain
18 a record of each of its officers having met the biennial training. These records shall be
19 made available upon request to the Kentucky Law Enforcement Council and to the Justice
20 and Public Safety Cabinet.