

CHAPTER 91

(HB 565)

AN ACT relating to criminal justice training and making an appropriation therefor.

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

➔Section 1. KRS 15A.070 is amended to read as follows:

- (1) The Department of Criminal Justice Training shall:
 - (a) Establish, supervise, and coordinate training programs and schools for law enforcement personnel, subject to the limitations of KRS 15.440(1)(d) and (e) and 15.560, and any other justice or nonlaw-enforcement-related personnel as prescribed by the secretary; *and*
 - (b) *Promulgate an administrative regulation pursuant to KRS Chapter 13A by September 1, 2022, to establish procedures and participation requirements for basic training and annual in-service course instruction to be offered electronically and online through remote learning. The administrative regulation shall include the following provisions:*
 1. *By no later than January 1, 2024, at least ten percent (10%) of the total hours of course instruction required to be completed for basic training under KRS 15.440(1)(d) be made available electronically and online for candidates to complete through remote learning;*
 2. *By no later than January 1, 2025, at least thirty percent (30%) of the total course instruction required to be completed by an officer for annual in-service training under KRS 15.440(1)(e) that is offered or sponsored by the Department of Criminal Justice Training be made available electronically and online to complete through remote learning;*
 3. *The instruction provided by the Department of Criminal Justice Training under this paragraph shall not be in subject areas that require the demonstration or use of physical skill for the purposes of evaluating the participant's proficiency;*
 4. *The course offerings and instruction required to be provided under subparagraph 2. of this paragraph be available throughout the entire calendar year and spread over a reasonable period of time so as not to require attendance or participation for the entirety of a single work week; and*
 5. *Any other reasonable procedures and rules to ensure the attendance, active participation, and successful mastery of the subject matters presented in the courses it provides electronically and online through remote learning under this paragraph are established.*
- (2) The Department of Criminal Justice Training shall make a continuing study of law enforcement training standards and upon request may furnish information relating to standards for recruitment, employment, promotion, organization, management, and operation of any law enforcement agency in Kentucky.
- (3) The Department of Criminal Justice Training shall conduct continuing research on criminal law and criminal justice subjects related to law enforcement training.
- (4) The Department of Criminal Justice Training may by administrative regulation provide for administrative hearings to be conducted in accordance with KRS Chapter 13B.
- (5) The commissioner of the Department of Criminal Justice Training may promulgate administrative regulations in accordance with KRS Chapter 13A.
- (6)
 - (a) *Nothing in subsection (1)(b) of this section shall be interpreted to be an independent study as defined in 38 C.F.R. sec. 21.4267.*
 - (b) *In order to ensure that a qualified trainee shall receive all Post-9/11 GI Bill benefits, or any other similar federal benefits related to military service, to which the trainee is entitled to receive while participating in basic training provided by the Department of Criminal Justice Training pursuant to KRS 15.440(1)(d), the following shall apply in the event that the Kentucky Approving Agency for Veterans Education within the Kentucky Community and Technical College System classifies the*

training provided pursuant to subsection (1)(b) of this section as independent study as defined in 38 C.F.R. sec. 21.4267:

1. *The Kentucky Approving Agency for Veterans Education shall seek a formal opinion of the United States Department of Veterans Affairs regarding its decision to classify the program as independent study;*
2. *If the United States Department of Veterans Affairs will not issue a formal opinion or determines or otherwise agrees that the program qualifies as independent study under federal regulations, the Department of Criminal Justice Training shall make available in-person course instruction to those who receive Post-9/11 GI Bill benefits, or any other similar federal benefits related to military service, as long as this offering meets criteria established under federal laws and regulations, provided that the Department of Criminal Justice Training and Kentucky Approving Agency for Veterans Education seeks a formal opinion of the United States Department of Veterans Affairs regarding any criteria that is relied upon to attempt to disqualify the agency;*
3. *If the Department of Criminal Justice Training cannot provide in-person instruction as provided in subparagraph 2. of this paragraph because of a final determination that the trainee would be disqualified from receiving benefits during his or her participation in the program, the Department of Criminal Justice Training shall cause to be paid to the trainee an amount equal to the benefits the trainee would have received under the Post-9/11 GI Bill benefits or any other similar federal benefits related to military service had the program or instruction not been disqualified. The amount shall be paid to the trainee from the Kentucky Law Enforcement Foundation Program fund under KRS 15.430; and*
4. *In the event that insufficient funds exist in the Kentucky Law Enforcement Foundation Program fund established pursuant to KRS 15.430 to meet the obligations provided in subparagraph 3. of this paragraph, the law enforcement agency employing the trainee shall cause to be paid to the trainee an amount equal to the benefits the trainee would have received under the Post-9/11 GI Bill benefits or any other similar federal benefits related to military service had the program or instruction not been disqualified.*

Became law without Governor's signature April 8, 2022.