

1 AN ACT relating to peace officer training.

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

3 ➔Section 1. KRS 15.334 is amended to read as follows:

- 4 (1) The Kentucky Law Enforcement Council shall approve mandatory training subjects
5 to be taught to all students attending a law enforcement basic training course that
6 include but are not limited to:
- 7 (a) Abuse, neglect, and exploitation of the elderly and other crimes against the
8 elderly, including the use of multidisciplinary teams in the investigation and
9 prosecution of crimes against the elderly;
 - 10 (b) The dynamics of domestic violence, pediatric abusive head trauma, as defined
11 in KRS 620.020, child physical and sexual abuse, and rape; child
12 development; the effects of abuse and crime on adult and child victims,
13 including the impact of abuse and violence on child development; legal
14 remedies for protection; lethality and risk issues; profiles of offenders and
15 offender treatment; model protocols for addressing domestic violence, rape,
16 pediatric abusive head trauma, as defined in KRS 620.020, and child abuse;
17 available community resources and victim services; and reporting
18 requirements. This training shall be developed in consultation with legal,
19 victim services, victim advocacy, and mental health professionals with
20 expertise in domestic violence, child abuse, and rape. Training in recognizing
21 pediatric abusive head trauma may be designed in collaboration with
22 organizations and agencies that specialize in the prevention and recognition of
23 pediatric abusive head trauma approved by the secretary of the Cabinet for
24 Health and Family Services;
 - 25 (c) Human immunodeficiency virus infection and acquired immunodeficiency
26 virus syndrome;
 - 27 (d) Identification and investigation of, responding to, and reporting bias-related

- 1 crime, victimization, or intimidation that is a result of or reasonably related to
2 race, color, religion, sex, or national origin;
- 3 (e) The characteristics and dynamics of human trafficking, state and federal laws
4 relating to human trafficking, the investigation of cases involving human
5 trafficking, including but not limited to screening for human trafficking, and
6 resources for assistance to the victims of human trafficking; and
- 7 (f) Beginning January 1, 2017, the council shall require that a law enforcement
8 basic training course include at least eight (8) hours of training relevant to
9 sexual assault.
- 10 (2) (a) The council shall develop and approve mandatory in-service~~professional~~
11 ~~development~~ training courses to be presented to all certified peace officers.
12 **The council may promulgate administrative regulations in accordance with**
13 **KRS Chapter 13A setting forth the deadlines by which all certified peace**
14 **officers shall attend the mandatory in-service training courses**~~[A mandatory~~
15 ~~professional development training course shall be first taken by a certified~~
16 ~~peace officer in the training year following its approval by the council and~~
17 ~~biennially thereafter. A certified peace officer shall be required to take these~~
18 ~~courses no more than two (2) times in eight (8) years].~~
- 19 (b) ~~[Beginning January 1, 2011, the council shall require that one and one-half~~
20 ~~(1.5) hours of professional development covering the recognition and~~
21 ~~prevention of pediatric abusive head trauma be included in the curriculum of~~
22 ~~all mandatory professional development training courses such that all officers~~
23 ~~shall receive this training at least once by December 31, 2013. The one and~~
24 ~~one-half (1.5) hours required under this section shall be included in the current~~
25 ~~number of required continuing education hours.~~
- 26 (e) ~~]~~Beginning January 1, 2017, the council shall establish a forty (40) hour
27 sexual assault investigation training course. **After January 1, 2019, agencies**

1 shall maintain officers on staff who have completed the forty (40) hour
2 sexual assault investigation training course in accordance with the
3 following:

4 1. Agencies with more than ten (10) but fewer than twenty-one (21) full-
5 time officers shall maintain one (1) officer who has completed the
6 forty (40) hour sexual assault investigation training course;

7 2. Agencies with twenty-one (21) or more but fewer than fifty-one (51)
8 full-time officers shall maintain at least two (2) officers who have
9 completed the forty (40) hour sexual assault investigation training
10 course; and

11 3. Agencies with fifty-one (51) or more full-time officers shall maintain
12 at least four (4) officers who have completed the sexual assault
13 investigation course.

14 (c) An agency shall not make an officer directly responsible for the
15 investigation or processing of sexual assault offenses unless that officer has
16 completed the forty (40) hour sexual assault investigation training course.

17 (d) The council may, upon application by any agency, grant an exemption from
18 the training requirements set forth in paragraph (b) of this subsection if
19 that agency, by limitations arising from its scope of authority, does not
20 conduct sexual assault investigations.

21 (e) Any agency failing to comply with paragraph (b) or (c) of this subsection
22 shall, from the date the noncompliance commences, have one (1) year to
23 reestablish the minimum number of trained officers required

24 ~~[By January 1,~~
25 ~~2019, agencies shall have one (1) or more officers trained in this curriculum,~~
26 ~~as follows:~~

26 ~~1. Agencies with five (5) or fewer officers shall have at least one (1) officer~~
27 ~~trained in sexual assault investigation;~~

1 2. ~~Agencies with more than five (5) officers but fewer than thirty (30)~~
2 ~~officers shall have at least two (2) officers trained in sexual assault~~
3 ~~investigation; and~~

4 3. ~~Agencies with thirty (30) or more officers shall have at least four (4)~~
5 ~~officers trained in sexual assault investigation].~~

6 (3) The Justice and Public Safety Cabinet shall provide training on the subjects of
7 domestic violence and abuse and may do so utilizing currently available technology.
8 All certified peace officers shall be required to complete this training at least once
9 every two (2) years.

10 (4) The council shall promulgate administrative regulations in accordance with KRS
11 Chapter 13A to establish mandatory basic training and *in-service*~~professional~~
12 ~~development]~~ training courses.

13 ~~[(5) The council shall make an annual report by December 31 each year to the~~
14 ~~Legislative Research Commission that details the subjects and content of mandatory~~
15 ~~professional development training courses established during the past year and the~~
16 ~~subjects under consideration for future mandatory training.]~~

17 ➔Section 2. KRS 15.386 is amended to read as follows:

18 The following certification categories shall exist:

19 (1) "Precertification status" means that the officer is currently employed or appointed
20 by an agency and meets or exceeds all those minimum qualifications set forth in
21 KRS 15.382, but has not successfully completed a basic training course, except
22 those peace officers covered by KRS 15.400. Upon the council's verification that
23 the minimum qualifications have been met, the officer shall have full peace officer
24 powers as authorized under the statute under which he or she was appointed or
25 employed. If an officer fails to successfully complete a basic training course within
26 one (1) year of employment, his or her enforcement powers shall automatically
27 terminate, *unless that officer is actively enrolled and participating in a basic*

1 training course or, after having begun a basic training course, is on an approved
2 extension of time due to injury or extenuating circumstances.

3 (2) "Certification status" means that unless the certification is in revoked status or
4 inactive status, the officer is currently employed or appointed by an agency and has
5 met all training requirements. The officer shall have full peace officer powers as
6 authorized under the statute under which he or she was appointed or employed.

7 (3) (a) "Inactive status" means that unless the certification is in revoked status:

8 1. The person has been separated on or after December 1, 1998, from the
9 agency by which he or she was employed or appointed and has no peace
10 officer powers; or

11 2. The person is on military active duty for a period exceeding three
12 hundred sixty-five (365) days.

13 (b) The person may remain on inactive status. A person who is on inactive status
14 and who returns to a peace officer position shall have certification status
15 restored if he or she meets the requirements of KRS 15.400(1) or has
16 successfully completed a basic training course approved and recognized by the
17 council, has not committed an act for which his or her certified status may be
18 revoked pursuant to KRS 15.391 and successfully completes in-service
19 training as prescribed by the council, as follows:

20 1. If the person has been on inactive status for a period of less than three
21 (3) years, and the person was not in training deficiency status at the time
22 of separation, he or she shall complete:

23 a. The twenty-four (24) hour legal update Penal Code course;

24 b. The sixteen (16) hour legal update constitutional procedure course;

25 and

26 c. The mandatory training course approved by the Kentucky Law
27 Enforcement Council, pursuant to KRS 15.334, for the year in

- 1 which he or she returns to certification status; or
- 2 2. If the person has been on inactive status for a period of three (3) years or
- 3 more, or the person was in training deficiency status at the time of
- 4 separation, he or she shall complete:
- 5 a. The twenty-four (24) hour legal update Penal Code course;
- 6 b. The sixteen (16) hour legal update constitutional procedure course;
- 7 c. The mandatory training course approved by the Kentucky Law
- 8 Enforcement Council, pursuant to KRS 15.334, for the year in
- 9 which he or she returns to certification status; and
- 10 d. One (1) of the following forty (40) hour courses which is most
- 11 appropriate for the officer's duty assignment:
- 12 i. Basic officer skills;
- 13 ii. Orientation for new police chiefs; or
- 14 iii. Mandatory duties of the sheriff.
- 15 (c) A person returning from inactive to active certification after June 26, 2007,
- 16 under KRS 15.380 to 15.404, shall meet the following minimum
- 17 qualifications:
- 18 1. Be a citizen of the United States;
- 19 2. Possess a valid license to operate a motor vehicle;
- 20 3. Be fingerprinted for a criminal background check;
- 21 4. Not have been convicted of any felony;
- 22 5. Not be prohibited by federal or state law from possessing a firearm;
- 23 6. Have received and read the Kentucky Law Enforcement Officers Code
- 24 of Ethics as established by the council;
- 25 7. Have not received a dishonorable discharge, bad conduct discharge, or
- 26 general discharge under other than honorable conditions, if having
- 27 served in any branch of the Armed Forces of the United States;

- 1 8. Have been interviewed by the employing agency; and
- 2 9. Not have had certification as a peace officer permanently revoked in
- 3 another state.
- 4 (4) "Training deficiency status" means that unless the certification is in revoked status
- 5 or inactive status, the officer is currently employed or appointed by an agency and
- 6 has failed to meet all in-service training requirements. The officer's enforcement
- 7 powers shall automatically terminate, and he or she shall not exercise peace officer
- 8 powers in the Commonwealth until he or she has corrected the in-service training
- 9 deficiency.
- 10 (5) "Revoked status" means that the officer has no enforcement powers and his or her
- 11 certification has been revoked by the Kentucky Law Enforcement Council for any
- 12 one (1) of the following reasons:
- 13 (a) Failure to meet or maintain training requirements;
- 14 (b) Willful falsification of information to obtain or maintain certified status;
- 15 (c) Certification was the result of an administrative error;
- 16 (d) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;
- 17 (e) Prohibition by federal or state law from possessing a firearm; or
- 18 (f) Receipt of a dishonorable discharge, bad conduct discharge, or general
- 19 discharge under other than honorable conditions from any branch of the
- 20 Armed Forces of the United States.
- 21 (6) "Denied status" means that a person does not meet the requirements to achieve
- 22 precertification status or certification status.
- 23 (7) The design of a certificate may be changed periodically. When a new certificate is
- 24 produced, it shall be distributed free of charge to each currently certified peace
- 25 officer.