

1 AN ACT relating to peace officer certification.

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

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

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

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

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

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

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

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

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

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

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

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

- 25 a. Years of service credit as a law enforcement officer with previous
26 service in another state; and
27 b. Basic training completed in another state.

- 1 6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this
2 paragraph to the contrary notwithstanding, the council may, through
3 the promulgation of administrative regulations in accordance with
4 KRS Chapter 13A, approve basic training credit for:
- 5 a. Completion of eight hundred forty-eight (848) hours of training
6 at a school established pursuant to KRS 15A.070;
- 7 b. A minimum of fifteen (15) years of experience as a certified law
8 enforcement instructor at a school established pursuant to KRS
9 15A.070;
- 10 c. Completion of an average of forty (40) hours of Kentucky Law
11 Enforcement Council approved in-service training annually
12 from January 1, 1997 through January 1, 2020;
- 13 d. Completion of all mandatory training obligations under KRS
14 15.334 from January 1, 1997 to January 1, 2020;
- 15 e. Three (3) years of active, full-time service as a:
- 16 i. City, county, urban-county, charter county, consolidated
17 local, or unified local government police officer;
- 18 ii. Sheriff's deputy, excluding special deputies appointed
19 under KRS 70.045;
- 20 iii. Department of Kentucky State Police officer; or
- 21 iv. Kentucky Department of Fish and Wildlife Resources
22 conservation officer exercising peace officer powers under
23 KRS 150.090; and
- 24 f. Completion of the:
- 25 i. Twenty-four (24) hour legal update Penal Code course;
26 ii. Sixteen (16) hour legal update constitutional procedure
27 course; and

iii. Forty (40) hour basic officer skills course within one (1) year prior to applying for certification;

- (e) Requires all police officers to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of the officer's police department, of forty (40) hours' duration, of which the number of hours shall not be changed by the council, at a school certified or recognized by the council. This requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;
- (f) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150 and transmission of reports as required by KRS 15.391;
- (g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
- (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to the Cabinet for Health and Family Services, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion

1 of records; and

2 (i) Possesses by January 1, 2017, a written policy and procedures manual related
3 to sexual assault examinations that meets the standards provided by, and has
4 been approved by, the cabinet, and which includes:

5 1. A requirement that evidence collected as a result of an examination
6 performed under KRS 216B.400 be taken into custody within five (5)
7 days of notice from the collecting facility that the evidence is available
8 for retrieval;

9 2. A requirement that evidence received from a collecting facility relating
10 to an incident which occurred outside the jurisdiction of the police
11 department be transmitted to a police department with jurisdiction
12 within ten (10) days of its receipt by the police department;

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

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

20 5. A process for notifying the victim from whom the evidence was
21 collected of the progress of the testing, whether the testing resulted in a
22 match to other DNA samples, and if the evidence is to be destroyed. The
23 policy may include provisions for delaying notice until a suspect is
24 apprehended or the office of the Commonwealth's attorney consents to
25 the notification, but shall not automatically require the disclosure of the
26 identity of any person to whom the evidence matched.

27 (2) A unit of government which meets the criteria of this section shall be eligible to

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