

1 AN ACT relating to the law enforcement and firefighters foundation programs,
2 declaring an emergency, and making an appropriation therefor.

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

4 ➔Section 1. KRS 15.410 is amended to read as follows:

5 It is the intention of the General Assembly to:

6 **(1)** ***Ensure***~~[assure]~~ that the criminal laws of the Commonwealth are enforced fairly,
7 uniformly, and effectively throughout the state by strengthening and upgrading~~[~~
8 ~~local]~~ law enforcement;~~[to]~~

9 **(2)** Attract competent, highly qualified young people to the field of law enforcement
10 and to retain qualified and experienced officers for the purpose of providing
11 maximum protection and safety to the citizens of, and the visitors to, this
12 Commonwealth; and~~[to]~~

13 **(3)** Offer a state monetary supplement for~~[local]~~ law enforcement officers while
14 upgrading the educational and training standards of ***the***~~[such]~~ officers.

15 ➔Section 2. KRS 15.420 is amended to read as follows:

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

17 (1) **"Cabinet" means the Justice and Public Safety Cabinet;**~~["Local unit of~~
18 ~~government" means any city or county, combination of cities and counties, state or~~
19 ~~public university, or county sheriff's office of the Commonwealth.]~~

20 (2) **(a)** "Police officer" means:

21 **1. A local officer, limited to:**

22 **a.** A full-time:

23 **i.** Member of a lawfully organized police department of county,
24 urban-county, or city government; **or**~~[, a]~~

25 **ii.** Sheriff or full-time deputy sheriff, including any ***sheriff***
26 providing court security or appointed under KRS 70.030;~~[,]~~

27 or

- 1 **b. A school security officer; and**
- 2 **2. A state officer, limited to:**
- 3 **a. A ~~state or~~ public university police officer;**
- 4 **b. A Kentucky state trooper;**
- 5 **c. A Kentucky State Police arson investigator;**
- 6 **d. A Kentucky State Police hazardous device investigator;**
- 7 **e. A Kentucky State Police legislative security specialist;**
- 8 **f. A Kentucky vehicle enforcement officer;**
- 9 **g. A Kentucky Horse Park mounted patrol officer, subject to**
- 10 **subsection (1)(f) of Section 6 of this Act;**
- 11 **h. A Kentucky state park ranger, subject to subsection (1)(f) of**
- 12 **Section 6 of this Act;**
- 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; and**
- 18 **n. A Kentucky Department of Fish and Wildlife Resources**
- 19 **conservation officer, subject to subsection (1)(e) of Section 6 of**
- 20 **this Act;**

21 who is responsible for the prevention and detection of crime and the

22 enforcement of the general criminal laws of the state; ~~but~~

23 **(b) "Police officer"** does not include ~~Department of Kentucky State Police,~~ any

24 sheriff who earns the maximum constitutional salary for this office, any

25 special deputy sheriff appointed under KRS 70.045, any constable, deputy

26 constable, district detective, deputy district detective, special local peace

27 officer, auxiliary police officer, or any other peace officer not specifically

1 authorized in KRS 15.410 to 15.510; ~~[-]~~

2 (3) **"Police department" means the employer of a police officer;**

3 (4) **"Retirement plan" means a defined benefit plan consisting of required employer**
 4 **contributions pursuant to KRS 61.565, 61.702, or any other provision of law;**

5 (5) **"Unit of government" means any city, county, combination of cities and**
 6 **counties, public university, state agency, local school district, or county sheriff's**
 7 **office of the Commonwealth; and** ~~"Council" means the Kentucky Law~~
 8 ~~Enforcement Council.~~

9 (6) ~~(4)~~ "Validated job task analysis" means the core job description **that** ~~[which]~~
 10 describes the minimum entry level requirements, qualifications, and training
 11 requirements for peace officers in the Commonwealth, **and that** ~~[which]~~ is based
 12 upon an actual survey and study of police officer duties and responsibilities
 13 conducted by an entity recognized by the ~~Kentucky Law Enforcement~~ council as
 14 being competent to conduct such a study.

15 ➔Section 3. KRS 15.430 is amended to read as follows:

16 (1) There is hereby established the Law Enforcement Foundation Program fund
 17 consisting of appropriations from the general fund of the Commonwealth of
 18 Kentucky ~~[-]~~ and insurance premium surcharge proceeds **that** ~~[which]~~ accrue to this
 19 fund pursuant to KRS 42.190 and 136.392. Any other funds, gifts, or grants made
 20 available to the state for distribution to ~~local~~ units of government in accordance
 21 with the provisions of KRS 15.410 to 15.510 also shall be made a part of this fund.

22 (2) All moneys ~~remaining in this fund on July 1, 1982, and~~ deposited **in this**
 23 **fund** ~~[thereafter]~~, including earnings from their investment, shall be deemed a trust
 24 and agency account ~~, but, beginning with fiscal year 1994-95, through June 30,~~
 25 ~~1999, moneys remaining in the account at the end of the fiscal year in excess of~~
 26 ~~three million dollars (\$3,000,000) shall lapse.~~ ~~[On and after July 1, 1999,]~~ Moneys
 27 in this account shall not lapse.

1 ➔Section 4. KRS 15.440 is amended to read as follows:

- 2 (1) Each~~[local]~~ unit of government ***that***~~[which]~~ meets the following requirements shall
3 be eligible to share in the distribution of funds from the Law Enforcement
4 Foundation Program fund:
- 5 (a) Employs one (1) or more police officers;
- 6 (b) Pays every police officer at least the minimum federal wage;
- 7 (c) ***Requires all police officers to have, at a minimum,***~~[Maintains the minimum~~
8 ~~educational requirement of]~~ a high school degree, or its equivalent as
9 determined by the~~[Kentucky Law Enforcement]~~ council, ***except that each***
10 ***police officer employed prior to the date on which the officer's police***
11 ***department was included as a participant under KRS 15.410 to 15.510***~~[for~~
12 ~~employment of police officers on or after July 1, 1972, and for all sheriffs~~
13 ~~appointed or elected on or after July 15, 1998, and all deputy sheriffs, and~~
14 ~~state or public university police officers employed after July 15, 1998;~~
15 ~~provided, however, that all police officers employed prior to July 1, 1972,~~
16 ~~shall be deemed to have met the requirements of this subsection, and that all~~
17 ~~sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or~~
18 ~~public university police, employed prior to July 15, 1998,]~~ shall be deemed to
19 have met the requirements of this subsection;
- 20 (d) 1. Requires all police officers~~[employed on or after July 1, 1972, and all~~
21 ~~sheriffs appointed or elected on or after July 15, 1998, and deputy~~
22 ~~sheriffs, and state or public university police officers employed on or~~
23 ~~after January 1, 1998,]~~ to successfully complete a basic training course
24 of nine hundred twenty-eight (928) hours' duration within one (1) year of
25 the date of employment at a school certified or recognized by the~~[~~
26 ~~Kentucky Law Enforcement]~~ council, which may provide a different
27 number of hours of instruction as established in this paragraph, ***except***

1 that each police officer employed prior to the date on which the
2 officer's police department was included as a participant under KRS
3 15.410 to 15.510~~]. All sheriffs serving in office on July 15, 1998, all~~
4 ~~deputy sheriffs, and state or public university police, employed prior to~~
5 ~~January 1, 1998,~~] shall be deemed to have met the requirements of this
6 subsection.

- 7 2. As the exclusive method by which the number of hours required for
8 basic training courses shall be modified from that which is specifically
9 established by this paragraph, the council may, by the promulgation of
10 administrative regulations in accordance with the provisions of KRS
11 Chapter 13A, explicitly set the exact number of hours for basic training
12 at a number different from nine hundred twenty-eight (928) hours based
13 upon a training curriculum approved by the Kentucky Law Enforcement
14 Council as determined by a validated job task analysis.
- 15 3. If the council sets an exact number of hours different from nine hundred
16 twenty-eight (928) in an administrative regulation as provided by~~set out~~
17 ~~in~~] this paragraph, it shall not further change the number of hours
18 required for basic training without promulgating administrative
19 regulations in accordance with the provisions of KRS Chapter 13A.
- 20 4. Nothing in this paragraph shall be interpreted to prevent the council,
21 pursuant to its authority under KRS 15.330, from approving training
22 schools with a curriculum requiring attendance of a number of hours that
23 exceeds nine hundred twenty-eight (928) hours or the number of hours
24 established in an administrative regulation as provided~~set out~~] by
25 subparagraphs 2. and 3. of this paragraph. However, the training
26 programs and schools for the basic training of law enforcement
27 personnel conducted by the department pursuant to KRS 15A.070 shall

- 1 not contain a curriculum that requires attendance of a number of hours
 2 for basic training that is different from nine hundred twenty-eight (928)
 3 hours or the number of hours established in an administrative regulation
 4 promulgated by the council pursuant to the provisions of KRS Chapter
 5 13A as provided~~[set out]~~ by subparagraphs 2. and 3. of this paragraph.
- 6 5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph
 7 to the contrary notwithstanding, the council may, through the
 8 promulgation of administrative regulations in accordance with KRS
 9 Chapter 13A, approve basic training credit for:
- 10 a. Years of service credit as a law enforcement officer with previous
 11 service in another state; and
- 12 b. Basic training completed in another state;
- 13 (e) ~~Requires all police officers[, whether originally employed before or after July~~
 14 ~~1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,~~
 15 ~~and all deputy sheriffs and state or public police officers employed before, on,~~
 16 ~~or after July 15, 1998,]~~ to successfully complete each calendar year an in-
 17 service training course, appropriate to the officer's rank and responsibility and
 18 the size and location of the officer's police~~[his]~~ department, of forty (40)
 19 hours' duration, of which the number of hours shall not be changed by the
 20 council, at a school certified or recognized by the~~[Kentucky Law~~
 21 ~~Enforcement]~~ council. This requirement shall be waived for the period of time
 22 that a peace officer is serving on active duty in the United States Armed
 23 Forces. This waiver shall be retroactive for peace officers from the date of
 24 September 11, 2001;
- 25 (f) Complies~~[Requires compliance]~~ with all provisions of law applicable to
 26 police officers or police departments~~[local police, state or public university~~
 27 ~~police, or sheriffs and their deputies]~~, including transmission of data to the

1 centralized criminal history record information system as required by KRS
2 17.150;

3 (g) **Complies**~~[Requires compliance]~~ with all~~[reasonable]~~ rules and regulations,
4 appropriate to the size and location of the~~[local]~~ police department~~[, state or~~
5 ~~public university police department, or sheriff's office,]~~ issued by the~~[Justice~~
6 ~~and Public Safety]~~ cabinet to facilitate the administration of the fund and
7 further the purposes of 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~~[meets the standards set forth by, and]~~ has
10 been approved by~~[,]~~ the~~[Justice and Public Safety]~~ cabinet. The policy shall
11 comply with the provisions of KRS 403.715 to 403.785. The policy shall
12 include **a** purpose **statement**~~[statements]~~; definitions; supervisory
13 responsibilities; procedures for twenty-four (24) hour access to protective
14 orders; procedures for enforcement of court orders or relief when protective
15 orders are violated; procedures for timely and contemporaneous reporting of
16 adult abuse and domestic violence to the Cabinet for **Health and Family**
17 **Services**~~[Families and Children]~~, Department for Community Based Services;
18 victim rights, assistance, and service responsibilities; and duties related to
19 timely completion of records; and

20 (i) Possesses by January 1, 2017, a written policy and procedures manual related
21 to sexual assault examinations that meets the standards **provided**~~[set forth]~~ by,
22 and has been approved by, the~~[Justice and Public Safety]~~ cabinet, and which
23 includes:

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

- 1 2. A requirement that evidence received from a collecting facility relating
2 to an incident which occurred outside the jurisdiction of the police
3 department be transmitted to a police department with jurisdiction
4 within ten (10) days of its receipt by the police department;
- 5 3. A requirement that all evidence retrieved from a collecting facility under
6 this paragraph be transmitted to the Department of Kentucky State
7 Police forensic laboratory within thirty (30) days of its receipt by the
8 police department;
- 9 4. A requirement that a suspect standard, if available, be transmitted to the
10 Department of Kentucky State Police forensic laboratory with the
11 evidence received from a collecting facility; and
- 12 5. A process for notifying the victim from whom the evidence was
13 collected of the progress of the testing, whether the testing resulted in a
14 match to other DNA samples, and if the evidence is to be destroyed. The
15 policy may include provisions for delaying notice until a suspect is
16 apprehended or the office of the Commonwealth's attorney consents to
17 the notification, but shall not automatically require the disclosure of the
18 identity of any person to whom the evidence matched.
- 19 (2) ~~A [No local] unit of government which meets the criteria of this section shall be~~
20 ~~eligible to continue sharing in the distribution of funds from the Law Enforcement~~
21 ~~Foundation Program fund only if [unless] the [local] police department of the unit~~
22 ~~of government remains in compliance [, state or public university police~~
23 ~~department, or sheriff's office actually begins and continues to comply] with the~~
24 ~~requirements of this section [; provided, further, that no local unit shall be eligible to~~
25 ~~share in the distribution of funds from the Law Enforcement Foundation Program~~
26 ~~fund until the local police department, state or public university police department,~~
27 ~~or sheriff's office has substantially complied with subsection (1)(f) and (g) of this~~

1 section].

2 (3) Deputies employed by a sheriff's office shall be eligible to participate~~not lose~~
3 ~~eligibility to share~~ in the distribution of funds from the Law Enforcement
4 Foundation Program fund regardless of participation by~~if~~ the sheriff ~~does not~~
5 ~~participate in the Law Enforcement Foundation Program fund~~.

6 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
7 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
8 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
9 criminal action.

10 ➔Section 5. KRS 15.450 is amended to read as follows:

11 (1) The secretary or his or her designated representative shall administer the Law
12 Enforcement Foundation Program fund pursuant to the provisions of KRS 15.410 to
13 15.510 and may promulgate any administrative regulations as~~, in his or her~~
14 ~~judgment, are~~ necessary to carry out the~~his~~ responsibilities under KRS 15.410 to
15 15.510. Administrative hearings promulgated by administrative regulation under
16 authority of this section shall be conducted in accordance with KRS Chapter 13B.

17 (2) The secretary or the~~his~~ designated representative ~~shall determine which local~~
18 ~~units of government are eligible to share in the Law Enforcement Foundation~~
19 ~~Program fund and~~ may withhold or terminate payments to any ~~local~~ unit of
20 government that does not comply with the requirements of KRS 15.410 to 15.510
21 or the administrative regulations issued by the ~~Justice and Public Safety~~ cabinet
22 under KRS 15.410 to 15.510.

23 (3) The ~~Justice and Public Safety~~ cabinet shall, from moneys appropriated and
24 accruing to the fund as provided under KRS 15.430, receive reimbursement for the
25 salaries and other costs of administering the fund, including, but not limited to,
26 council operations and expenses. The amount to be reimbursed for any given year
27 shall be determined by the council and shall not exceed five percent (5%) of the

1 total amount of funds for that year.

2 (4) The ~~Justice and Public Safety~~ cabinet shall furnish periodically to the council any
3 reports as may be deemed reasonably necessary.

4 ➔ Section 6. KRS 15.460 is amended to read as follows:

5 (1) (a) Except as provided in subsection (4)(a) of this section, ~~beginning July 15,~~
6 ~~1998,~~ an eligible ~~local~~ unit of government shall be entitled to receive
7 ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750)~~
8 ~~for each qualified police officer it employs, and beginning on July 1, 1999,~~ an
9 annual supplement of three thousand dollars (\$3,000) for each qualified police
10 officer it employs. **The supplement amount shall be increased to four**
11 **thousand dollars (\$4,000) beginning July 1, 2018.**

12 **(b) 1. In addition to the supplement, the unit of government shall receive,**
13 ~~plus~~ an amount equal to the required employer's contribution on the
14 supplement to the **retirement** ~~defined benefit pension~~ plan **and duty**
15 **category** to which the officer belongs, ~~but no more than the required~~
16 ~~employer's contribution to the County Employees Retirement System~~
17 ~~hazardous duty category~~. In the case of County Employees Retirement
18 System membership, the **retirement plan** ~~pension~~ contribution on the
19 supplement shall be paid whether the officer enters the system under
20 hazardous duty coverage or nonhazardous coverage.

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

24 **3.** ~~If should~~ the foundation program funds **are** ~~be~~ insufficient to pay
25 employer contributions to the system, then the total amount available for
26 **retirement plan** ~~pension~~ payments shall be prorated to each eligible
27 government so that each receives the same percentage of required

1 retirement plan~~[pension]~~ costs attributable to the cash salary
2 supplement.

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

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

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

24 (d) In addition to the payments received under paragraphs (a) and (b) of this
25 subsection, each unit of government shall receive the associated fringe
26 benefits costs for the total supplement of four thousand dollars (\$4,000) for
27 each qualified police officer that is a state officer as defined in subsection

1 (2)(a)2. of Section 2 of this Act that it employs. Fringe benefits shall be
 2 limited to retirement plan contributions and the federal insurance
 3 contributions act tax.

4 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky
 5 Department of Fish and Wildlife Resources conservation officer appointed
 6 pursuant to KRS 150.090(1) and listed in subsection (2)(a)2.n. of Section 2
 7 of this Act shall be a participant in the Kentucky Law Enforcement
 8 Foundation Program fund, but shall not receive an annual supplement
 9 from that fund. A conservation officer shall receive an annual training
 10 stipend commensurate to the annual supplement paid to the police officer as
 11 defined in Section 1 of this Act. The annual training stipend disbursed to a
 12 conservation officer shall be paid from the game and fish fund pursuant to
 13 Section 14 of this Act; and

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

17 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
 18 of government to each police officer whose qualifications resulted in receipt of a
 19 supplemental payment. The payment shall be in addition to the police
 20 officer's~~[Each qualified police officer, whose local government receives a~~
 21 ~~supplement pursuant to subsection (1) of this section, shall be paid by the local~~
 22 ~~government the supplement which his or her qualifications brought to the local~~
 23 ~~government. The supplement paid each police officer shall be in addition to his or~~
 24 ~~her] regular salary and, except as provided in subsection (4)(b) of this section, shall~~
 25 continue to be paid to a police~~[an]~~ officer who is a member of:

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

- 1 (b) Any reserve component of the United States Armed Forces during any period
2 of activation with the United States Armed Forces.
- 3 (3) (a) ~~Each~~ qualified sheriff who receives the maximum salary allowed by
4 Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a
5 supplement.
- 6 (b) ~~Each~~ qualified sheriff who does not receive the maximum salary allowed
7 by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
8 expense allowance provided by KRS 70.170, shall upon annual settlement
9 with the fiscal court under KRS 134.192, receive that portion of the
10 supplement that will not cause his or her compensation to exceed the
11 maximum salary.
- 12 (c) ~~Each~~ qualified sheriff who seeks to participate in the fund shall forward a
13 copy of the annual settlement prepared under KRS 134.192 to the fund. The
14 sheriff shall reimburse the fund if an audit of the annual settlement conducted
15 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
16 the supplement in violation of this section. A sheriff who fails to provide a
17 copy of the annual settlement to the fund or to reimburse the fund after
18 correction by audit, if required, shall not be qualified to participate in the fund
19 for a period of two (2) years.
- 20 (d) ~~Each~~ qualified deputy sheriff shall receive the supplement from the sheriff
21 if the sheriff administers his or her own budget or from the county treasurer if
22 the sheriff pools his or her fees. The failure of a sheriff to comply with the
23 provisions of this section shall not affect the qualification of his or her
24 deputies to participate in the fund.
- 25 (4) (a) Eligible ~~local~~ units of government shall receive the salary supplement,
26 excluding funds applicable to the employer's *retirement plan* ~~pension fund~~
27 contribution, provided in subsection (1) of this section for distribution to a

1 police~~an~~ officer who is eligible under subsection (2) of this section.

2 (b) A qualified police officer receiving a salary supplement during any period of
3 military activation, as provided in subsection (2) of this section, shall not be
4 entitled to receive the employer's retirement plan~~pension system~~
5 contribution, and the salary supplement shall not be subjected to an
6 employee's contribution to a retirement plan~~pension system~~. The salary
7 supplement shall otherwise be taxable for all purposes.

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

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

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

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

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

24 ➔Section 7. KRS 15.470 is amended to read as follows:

25 Law Enforcement Foundation Program funds made available to~~local~~ units **of**
26 **government** shall be received, held, and expended in accordance with the provisions of
27 KRS 15.410 to 15.510, including the administrative regulations promulgated by the~~f~~

1 ~~Justice and Public Safety~~ cabinet and the following specific restrictions:

- 2 (1) Funds provided shall be used only as a cash salary supplement to police officers, for
3 payments to the retirement~~[defined benefit pension]~~ plan to which the officer
4 belongs to cover employer retirement costs on the cash salary supplement, and for
5 administrative costs as provided in KRS 15.450;
- 6 (2) Funds provided shall be used only to compensate police officers who have complied
7 with KRS 15.440(1)(c), (d), and (e);
- 8 (3) Each police officer shall be entitled to receive the state supplement that the
9 officer's~~[which his]~~ qualifications brought to the~~[local]~~ unit of government;
- 10 (4) Funds provided shall not be used to supplant existing salaries or as a substitute for
11 normal salary increases periodically due to police officers;
- 12 (5) Each police officer receiving the state supplement who is also a member of the
13 Kentucky National Guard or any reserve component of the United States Armed
14 Forces shall continue to receive the state supplement during any period of military
15 activation, as provided in KRS 15.460(2); and
- 16 (6) Funds distributed or received pursuant to subsection (5) of this section shall be
17 excluded from all aspects of the Kentucky Retirement Systems or any other
18 retirement system.

19 ➔Section 8. KRS 15.480 is amended to read as follows:

20 The Finance and Administration Cabinet, on the certification of the~~[Justice and Public~~
21 ~~Safety]~~ cabinet, shall draw warrants as specified hereinafter on the State Treasurer for the
22 amount of the Law Enforcement Foundation Program fund due each participating~~[local]~~
23 unit of government. Checks shall be issued by the State Treasurer and transmitted to the~~[~~
24 ~~Justice and Public Safety]~~ cabinet for distribution to the proper officials of participating~~[~~
25 ~~local]~~ units of government that~~[which]~~ have complied with the provisions of KRS
26 15.410 to 15.510 and the administrative regulations of the~~[Justice and Public Safety]~~
27 cabinet.~~[Beginning July 1, 1972, and]~~ On the first day of each month~~[thereafter]~~, the

1 share of each eligible and participating~~[local]~~ unit of government shall be distributed
2 from the Law Enforcement Foundation Program fund.

3 ➔Section 9. KRS 15.490 is amended to read as follows:

4 (1) Each participating~~[local]~~ unit of government shall submit reports to the~~[Justice and~~
5 ~~Public Safety]~~ cabinet on March 31, June 30, September 30, and December 31 of
6 each year containing information relative to number, rank, education, training, and
7 compensation of police officers employed by it and the disposition made of any
8 state or other funds received pursuant to KRS 15.410 to 15.510. Nothing in this
9 section shall prohibit the~~[Justice and Public Safety]~~ cabinet from requiring
10 additional information or reports from participating~~[local]~~ units of government;

11 (2) ~~[Local]~~Units of government shall include the additional compensation paid to each
12 police officer from the Law Enforcement Foundation Program fund as a part of the
13 officer's salary in determining all payroll deductions.

14 ➔Section 10. KRS 15.500 is amended to read as follows:

15 (1) If funds appropriated by the General Assembly and otherwise made available to the
16 Law Enforcement Foundation Program fund are insufficient to provide the amount
17 of money required by KRS 15.460, the~~[Justice and Public Safety]~~ cabinet shall
18 establish the rate of assistance to be paid~~[to eligible local units of governments]~~.

19 (2) Funds unexpended by the~~[Justice and Public Safety]~~ cabinet at the close of the
20 fiscal year for which the funds were appropriated and otherwise made available to
21 this fund, pursuant to KRS 15.430, 42.190 and 136.392, shall not lapse as provided
22 by KRS 45.229 but shall be carried forward into the following fiscal year and shall
23 be used solely for the purposes specified in KRS 15.410 to 15.500.

24 ➔Section 11. KRS 15.520 is amended to read as follows:

25 (1) As used in this section:

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

27 1. A member or supervisor within the law enforcement agency that

- 1 employs an officer; or
- 2 2. An elected or appointed official within the unit of government under
- 3 which the law enforcement agency that employs the officer is organized;
- 4 (b) "Complaint" means any statement by a citizen, whether written or verbal, that
- 5 alleges any type of misconduct by an officer, including statements that are
- 6 submitted or received anonymously;
- 7 (c) "Disciplinary action" means termination, demotion, a decrease in pay or grade,
- 8 suspension without pay, and a written reprimand;
- 9 (d) "General employment policies" means the rules, regulations, policies, and
- 10 procedures commonly applicable to the general workforce or civilian
- 11 employees that are not unique to law enforcement activities or the exercise of
- 12 peace officer authority, regardless of whether those rules, regulations, policies,
- 13 and procedures exist or appear in a departmental manual or handbook that is
- 14 solely applicable to a law enforcement department or agency within the unit of
- 15 government employing the officer;
- 16 (e) "Interrogation" means a formal investigative interview and does not mean
- 17 conversations or meetings of supervisory personnel and subordinate officers
- 18 that are not intended to result in disciplinary action, such as conversations or
- 19 meetings held for the purpose of providing corrective instruction counseling
- 20 or coaching;
- 21 (f) "Law enforcement procedures" means only those policies, rules, and customs
- 22 that:
- 23 1. Are specific to the conduct of officers in the exercise of law enforcement
- 24 powers and functions, including, without limitation: use of force,
- 25 conduct in the course of pursuits, conduct during stops or detentions of
- 26 citizens, conduct in the course of interacting with, assisting, or
- 27 questioning of citizens, and investigative conduct;

- 1 2. Are carried out in the course of peace officer functions;
- 2 3. Are not general employment policies; and
- 3 4. May exist in either written form or in the form of unwritten standards,
- 4 practices, or protocols generally accepted and applied in the law
- 5 enforcement profession;
- 6 (g) "Misconduct" means any act or omission by an officer that violates criminal
- 7 law, law enforcement procedures, or the general employment policies of the
- 8 employing agency; and
- 9 (h) "Officer" means a person employed as a full-time peace officer by a unit of
- 10 government that receives funds under KRS 15.410 to 15.510, except a state
- 11 officer listed in subsection (2)(a)2.b. to f. and n. of Section 2 of this Act,
- 12 who has completed any officially established initial probationary period of
- 13 employment lasting no longer than twelve (12) months not including, unless
- 14 otherwise specified by the employing agency, any time the officer was
- 15 employed and completing the basic training required by KRS 15.404.
- 16 (2) In order to establish a minimum system of professional conduct for officers of local
- 17 units of government of this Commonwealth, the following standards are stated as
- 18 the intention of the General Assembly to deal fairly and establish~~set~~
- 19 administrative due process rights in certain disciplinary matters concerning those
- 20 officers of an employing unit of government that participates in the Kentucky Law
- 21 Enforcement Foundation Program fund administered pursuant to KRS 15.430 and,
- 22 at the same time, to provide a means for redress by the citizens of the
- 23 Commonwealth for wrongs allegedly done to them by officers covered by this
- 24 section.
- 25 (3) Any complaint taken from a citizen alleging misconduct on the part of any officer
- 26 shall be taken as follows:
- 27 (a) If the complaint alleges criminal activity by an officer, the allegations may be

- 1 investigated without a signed, sworn complaint of the citizen;
- 2 (b) If the complaint alleges any other type of violation not constituting criminal
3 activity, including violations of law enforcement procedures or the general
4 employment policies of the employing agency, an affidavit, signed and sworn
5 to by the citizen, shall be obtained, except as provided by paragraph (c) of this
6 subsection; or
- 7 (c) If a complaint is required to be obtained and the citizen, upon request, refuses
8 to make allegations under oath in the form of an affidavit, signed and sworn
9 to, the employing agency may investigate the allegations, but shall bring
10 charges under subsection (6) of this section against the officer only if the
11 employing agency can independently substantiate the allegations absent the
12 sworn statement of the citizen.
- 13 (4) (a) When an officer is accused of an act or omission that would constitute a
14 violation of law enforcement procedures by any individual within the law
15 enforcement agency employing the officer, including supervisors and elected
16 or appointed officials of the officer's employing agency, the employing agency
17 shall conform the conduct of any investigation to the provisions of subsection
18 (5) of this section, shall formally charge the officer in accordance with
19 subsection (6) of this section, and shall conduct a hearing in accordance with
20 subsection (7) of this section before any disciplinary action shall be taken
21 against the officer.
- 22 (b) The provisions of this subsection shall not prevent the employing agency from
23 suspending the officer, with or without pay, during an investigation and
24 pending the final disposition of any formal charges, except that an officer
25 suspended without pay shall be entitled to full back pay and benefits for the
26 regular hours he or she would have worked if no formal charges are brought or
27 the hearing authority finds the officer not guilty of the charges.

- 1 (c) An employing agency shall not be required to follow the provisions of this
2 section in addressing conduct by the officer that would constitute a violation
3 of the general employment policies of the employing agency.
- 4 (5) (a) Any complaint filed by a citizen under subsection (3) of this section or any
5 allegation of conduct that would constitute a violation of law enforcement
6 procedures under subsection (4) of this section shall be investigated by the
7 employing agency or another designated law enforcement agency in
8 accordance with the provisions of this subsection if the employing agency
9 determines that an investigation of the complaint or the alleged conduct is
10 warranted.
- 11 (b) No threats, promises, or coercions shall be used at any time against any officer
12 while he or she is a suspect in a criminal case or has been accused of a
13 violation of law enforcement procedures. Suspension from duty with or
14 without pay, or reassignment to other than an officer's regular duties during
15 the period shall not be deemed coercion. Prior to or within twenty-four (24)
16 hours after suspending the officer pending investigation or disposition of a
17 complaint, the officer shall be advised in writing of the reasons for the
18 suspension.
- 19 (c) Unless otherwise agreed to in writing by the officer, no police officer shall be
20 subjected to interrogation for alleged conduct that violates law enforcement
21 procedures, until forty-eight (48) hours have expired from the time the request
22 for interrogation is made to the accused officer, in writing. The notice of
23 interrogation shall include a statement regarding any reason for the
24 interrogation and shall be served on the officer by certified mail, return receipt
25 requested, or by personal delivery.
- 26 (d) The interrogation shall be conducted while the officer is on duty. The officer
27 may be required to submit a written report of the alleged incident if the

1 request is made by the employing agency no later than the end of the subject
2 officer's next tour of duty after the tour of duty during which the employing
3 agency initially was made aware of the complaint.

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

9 (6) (a) If it is determined through investigation or other means that the facts alleged
10 in a citizen complaint or in an accusation of a violation of law enforcement
11 procedures warrant charging the officer, the charge shall be made in writing
12 with sufficient specificity so as to fully inform the officer of the nature and
13 circumstances of the alleged violation in order that he or she may be able to
14 properly defend himself or herself.

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

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

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

26 (7) Unless waived by the charged officer in writing, a hearing shall be conducted by the
27 officer's appointing authority to determine whether there is substantial evidence to

1 prove the charges and to determine what, if any, disciplinary action shall be taken if
2 substantial evidence does exist. In conducting a hearing, the following
3 administrative due process rights shall be recognized and these shall be the
4 minimum rights afforded any officer charged, except as otherwise agreed to in
5 writing by the officer and the employing agency:

- 6 (a) The accused officer shall be given at least twelve (12) days' written notice of
7 any hearing. The notice of hearing shall be served on the officer by certified
8 mail, return receipt requested, or by personal delivery;
- 9 (b) Copies of any sworn statements or affidavits to be considered by the hearing
10 authority and any exculpatory statements or affidavits shall be furnished to the
11 officer no less than twelve days (12) prior to the time of any hearing;
- 12 (c) At any hearing based upon the sworn complaint of a citizen, the citizen shall
13 be notified to appear at the time and place of the hearing by certified mail,
14 return receipt requested, or by personal delivery;
- 15 (d) If the return receipt has been returned unsigned, or the individual does not
16 appear, except due to circumstances beyond his or her control he or she cannot
17 appear at the time and place of the hearing, any charge resulting from a
18 complaint made by that citizen shall not be considered by the hearing
19 authority and shall be dismissed with prejudice;
- 20 (e) The accused officer shall have the right and opportunity to obtain and have
21 counsel present, and to be represented by counsel;
- 22 (f) The appointing authority, legislative body, or other body as designated by the
23 Kentucky Revised Statutes shall subpoena and require the attendance of
24 witnesses and the production by them of books, papers, records, and other
25 documentary evidence at the request of the accused officer or the charging
26 party. If any person fails or refuses to appear under the subpoena, or to testify,
27 or to attend, or produce the books, papers, records, or other documentary

1 evidence lawfully required, the appointing authority, legislative body, or other
2 body as designated by the Kentucky Revised Statutes may report to the Circuit
3 Court or any judge thereof the failure or refusal, and apply for a rule. The
4 Circuit Court, or any judge thereof, may on the application compel obedience
5 by proceedings for contempt as in the case of disobedience of the
6 requirements of a subpoena issued from the court;

7 (g) The accused officer shall be allowed to present witnesses and any
8 documentary or other relevant evidence the officer wishes to provide to the
9 hearing authority, and may cross-examine all witnesses called by the charging
10 party;

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

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

19 (j) The failure to provide any of the rights or to follow the provisions of this
20 section may be raised by the officer with the hearing authority. The hearing
21 authority shall not exclude proffered evidence based on failure to follow the
22 requirements of this section but shall consider whether, because of the failure,
23 the proffered evidence lacks weight or credibility and whether the officer has
24 been materially prejudiced; and

25 (k) To the extent the provisions of KRS 61.805 to 61.850 are applicable, the
26 hearing authority may conduct the hearing required by this subsection in a
27 closed session, unless the officer requests of the hearing authority in writing at

1 least three (3) days prior to the hearing that the hearing be open to the public.

2 (8) (a) Any officer who is found guilty by any hearing authority of any charge, may
3 bring an action in the Circuit Court in the county in which the employing
4 agency is located within thirty (30) days of the date written findings are issued
5 to appeal the action of the hearing authority. The appeal shall be initiated by
6 the filing of a complaint in the same manner as any civil action under the
7 Rules of Civil Procedure and shall include a copy of the hearing authority's
8 final order. The Circuit Court review of the case shall be based solely upon the
9 administrative record created before the hearing authority and any new
10 evidence offered by the officer regarding alleged arbitrariness on the part of
11 the hearing authority.

12 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of
13 Appeals. The procedure as to appeal to the Court of Appeals shall be the same
14 as in any civil action.

15 (9) The provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall not apply in any
16 proposed disciplinary action arising from a citizen complaint made under subsection
17 (3) of this section or arising from any allegation of conduct that would constitute a
18 violation of law enforcement procedures under subsection (4) of this section. This
19 section shall not be interpreted or construed to alter or impair any of the substantive
20 rights provided to a city police officer under KRS 90.310 to 90.410, 95.450, and
21 95.765 for any proposed disciplinary action or other matters not arising under
22 subsections (3) and (4) of this section, including proposed actions involving alleged
23 violations of general employment policies. To the extent that the provisions of this
24 section are inapplicable to any proposed disciplinary action against a city police
25 officer, the provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall remain in
26 full force and effect.

27 (10) As the provisions of this section relate to a minimum system of professional

1 conduct, nothing in this section shall be interpreted or construed to:

- 2 (a) Limit or to in any way affect any rights previously afforded to officers of the
3 Commonwealth by statute, collective bargaining or working agreement, or
4 legally adopted ordinance;
- 5 (b) Preclude an employing agency from investigating and charging an officer both
6 criminally and administratively;
- 7 (c) Prevent the suspension with or without pay or reassignment of an officer
8 during an investigation and pending final disposition charges;
- 9 (d) Permit an employing agency to categorize and treat any complaint that
10 originates from a citizen as an internal matter in order to avoid application of
11 all of the provisions of this section to the final disposition of a citizen's
12 complaint;
- 13 (e) Apply any disciplinary action required by this section to actions taken by an
14 employing agency that is not related to misconduct by a law enforcement
15 officer, such as personnel decisions made by the employing agency due to a
16 lack of resources or personnel decisions related to a chief's management of a
17 police department; or
- 18 (f) Prevent an employing agency from electing to apply the provisions of this
19 section, or parts thereof, in circumstances that would not be covered under this
20 section.

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

24 ➔Section 12. KRS 95A.250 is amended to read as follows:

- 25 (1) (a) ~~[Beginning July 1, 1982,]An eligible local government shall be entitled to~~
26 ~~receive annually a supplement of two thousand seven hundred fifty dollars~~
27 ~~(\$2,750) for each qualified professional firefighter it employs, and beginning~~

1 ~~on July 1, 1999,~~ an annual supplement of three thousand dollars (\$3,000)
2 and, beginning July 1, 2018, an annual supplement of four thousand
3 dollars (\$4,000) for each qualified professional firefighter it employs, plus an
4 amount equal to the required employer's contribution on the supplement to the
5 defined benefit pension plan, or to a plan qualified under Section 401(a) or
6 Section 457 of the Internal Revenue Code of 1954 as amended.

7 (b) The employer's contribution to any of these plans on the supplement shall not
8 exceed the required employer's contribution to the County Employees
9 Retirement System pursuant to KRS Chapter 78 for the hazardous duty
10 category. The pension contribution on the supplement shall be paid whether
11 the professional firefighter entered the system under hazardous duty coverage
12 or nonhazardous coverage.

13 (c) The local unit of government shall pay the amount received for retirement
14 coverage to the appropriate retirement system to cover the required employer
15 contribution on the supplement.

16 (d) Should the foundation program funds be insufficient to pay employer
17 contributions to the system, then the total amount available for pension
18 payments shall be prorated to each eligible government so that each receives
19 the same percentage of required pension costs attributable to the supplement.

20 (e) 1. In addition to the payments received under paragraphs (a) and (b) of
21 this subsection, but only if sufficient funds are available to fully
22 reimburse each eligible local government for the employer
23 contributions to the pension system, each local government shall
24 receive an administrative expense reimbursement in an amount equal
25 to seven and sixty-five one-hundredths percent (7.65%) of the total
26 annual supplement received greater than three thousand one hundred
27 dollars (\$3,100) for each qualified professional firefighter it employs,

- 1 subject to the cap established by subparagraph 3. of this paragraph.
- 2 2. The local government may use the moneys received under this
 3 paragraph in any manner it deems necessary to partially cover the
 4 costs of administering the payments received under paragraph (a) of
 5 this subsection.
- 6 3. The total amount distributed under this paragraph shall not exceed
 7 the total sum of two hundred fifty thousand dollars (\$250,000) for
 8 each fiscal year. If there are insufficient funds to provide for full
 9 reimbursement as provided in subparagraph 1. of this paragraph, then
 10 the amount shall be distributed pro rata to each eligible local
 11 government so that each receives the same percentage attributable to
 12 its total receipt of the cash salary supplement.

- 13 (2) (a) Each qualified professional firefighter, whose local government receives a
 14 supplement pursuant to subsection (1)(a) of this section due to employment of
 15 the firefighter, shall receive distribution of the supplement from that local
 16 government in twelve (12) equal monthly installments with his or her pay for
 17 the last pay period of each month. The monthly distribution shall be calculated
 18 by dividing the supplement amount established~~[set forth]~~ in subsection (1)(a)
 19 of this section by twelve (12).
- 20 (b) The supplement disbursed to a qualified professional firefighter pursuant to
 21 this section shall not be considered "wages" as defined by KRS
 22 337.010(1)(c)1. and shall not be included in the hourly wage rate for
 23 calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The
 24 supplement shall be included in the hourly wage rates for calculation of
 25 overtime for unscheduled overtime pursuant to KRS 337.285.
- 26 (c) To determine the addition to the hourly wage rate for calculation of overtime
 27 on unscheduled overtime, the annual supplement shall be divided by two

1 thousand eighty (2,080). The overtime rate for unscheduled overtime shall be
2 calculated by adding the quotient, which is the amount of the annual
3 supplement divided by two thousand eighty (2,080), to the hourly wage rate
4 and multiplying the total by one and one-half (1.5). The enhanced overtime
5 rate shall be paid only for unscheduled overtime. Scheduled overtime shall be
6 paid at one and one-half (1.5) times the regular hourly wage rate, excluding
7 the supplement.

8 (3) ~~Beginning July 1, 2006:~~

9 (a) The Kentucky Community and Technical College System shall be entitled to
10 receive annually a supplement equal to the amount determined in subsection
11 (1) of this section for each Kentucky fire and rescue training coordinator
12 employed by the Kentucky Community and Technical College System who
13 meets the qualifications for individual firefighters required in KRS 95A.230,
14 plus an amount equal to the required employer's contribution on the
15 supplement to the defined benefit pension plan; and

16 (b) The Department of Military Affairs shall be entitled to receive annually a
17 supplement equal to the amount determined in subsection (1) of this section
18 for each civilian firefighter employed by the Department of Military Affairs
19 who meets the qualifications for individual firefighters required in KRS
20 95A.230, plus an amount equal to the required employer's contribution on the
21 supplement to the defined benefit pension plan.

22 Each fire and rescue training coordinator employed by the Kentucky Community
23 and Technical College System and each civilian firefighter employed by the
24 Department of Military Affairs, whose employer receives a supplement pursuant to
25 this subsection, shall receive distribution from that employer of the supplement
26 which his or her qualifications brought to the employer. The supplement distributed
27 shall be in addition to his or her regular salary.

1 ➔Section 13. KRS 95A.262 is amended to read as follows:

2 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
3 cooperation with the Cabinet for Health and Family Services, develop and
4 implement a continuing program to inoculate every paid and volunteer firefighter in
5 Kentucky against hepatitis B. The program shall be funded from revenues allocated
6 to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190.
7 Any fire department which has inoculated its personnel during the period of July 1,
8 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred
9 up to the amount allowed by the Cabinet for Health and Family Services~~Human~~
10 ~~Resources~~ for hepatitis B inoculations.

11 (2) (a) Except as provided in subsection (3) of this section, the Commission on Fire
12 Protection Personnel Standards and Education shall allot on an annual basis a
13 share of the funds accruing to and appropriated for volunteer fire department
14 aid to volunteer fire departments in cities of all classes, fire protection districts
15 organized pursuant to KRS Chapter 75, county districts established under
16 authority of KRS 67.083, and volunteer fire departments created as nonprofit
17 corporations pursuant to KRS Chapter 273.

18 (b) The commission shall allot ~~eight thousand dollars (\$8,000) annually to each~~
19 ~~qualifying department, and beginning on July 1, 2001, the commission shall~~
20 ~~allot~~ eight thousand two hundred fifty dollars (\$8,250), and beginning on
21 July 1, 2018, the commission shall allot eleven thousand dollars (\$11,000)
22 annually to each qualifying department.

23 (c) Any qualifying department which fails to participate satisfactorily in the
24 Kentucky fire incident reporting system as described in KRS 304.13-380 shall
25 forfeit annually five hundred dollars (\$500) of its allotment.

26 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS
27 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be

1 in accordance with the provisions of KRS 95A.500 to 95A.560.

2 (e) Administrative regulations for determining qualifications shall be based on the
3 number of both paid firefighters and volunteer firemen within a volunteer fire
4 department, the amount of equipment, housing facilities available, and
5 ~~any[such]~~ other matters or standards ~~that[as]~~ will best effect the purposes of
6 the volunteer fire department aid law. A qualifying department shall:

7 1. Include at least twelve (12) firefighters;~~[-]~~

8 2. Have a chief;~~[-, and]~~

9 3. Have at least one (1) operational fire apparatus or one (1) on order;
10 ~~and[-]~~

11 4. Have at least fifty percent (50%) of ~~its[the]~~ firefighters ~~who[shall]~~ have
12 completed at least one-half (1/2) of one hundred fifty (150) training
13 hours, or as otherwise established by the commission under KRS
14 95A.240(6), toward certification within the first six (6) months of the
15 first year of the department's application for certification, and there shall
16 be a plan to complete the one hundred fifty (150) training hours, or as
17 otherwise established by the commission by KRS 95A.240(6), within
18 the second year.

19 These personnel, equipment, and training requirements shall not be made
20 more stringent by the promulgation of administrative regulations.

21 (f) No allotment shall exceed the total value of the funds, equipment, lands, and
22 buildings made available to the local fire units from any source whatever for
23 the year in which the allotment is made.

24 (g) A portion of the funds provided for above may be used to purchase group or
25 blanket health insurance and shall be used to purchase workers' compensation
26 insurance, and the remaining funds shall be distributed as ~~provided[-set forth]~~
27 in this section.

- 1 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
2 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
3 that shall be allocated each fiscal year of the biennium to the firefighters training
4 center fund, which is hereby created and established, for the purposes of
5 constructing new or upgrading existing training centers for firefighters. If any
6 moneys in the training center fund remain uncommitted, unobligated, or
7 unexpended at the close of the first fiscal year of the biennium, then such moneys
8 shall be carried forward to the second fiscal year of the biennium, and shall be
9 reallocated to and for the use of the training center fund, in addition to the second
10 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
11 any project pursuant to this subsection, a proposed project shall be approved by the
12 Commission on Fire Protection Personnel Standards and Education as provided in
13 subsection (4) of this section and shall comply with state laws applicable to capital
14 construction projects.
- 15 (4) Applications for funding low-interest loans and firefighters' training centers shall be
16 submitted to the Commission on Fire Protection Personnel Standards and Education
17 for their recommendation, approval, disapproval, or modification. The commission
18 shall review applications periodically, and shall, subject to funds available,
19 recommend which applications shall be funded and at what levels, together with any
20 terms and conditions the commission deems necessary.
- 21 (5) Any department or entity eligible for and receiving funding pursuant to this section
22 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
23 by the Commission on Fire Protection Personnel Standards and Education.
- 24 (6) Upon the written request of any department, the Commission on Fire Protection
25 Personnel Standards and Education shall make available a certified training
26 program in a county of which such department is located.
- 27 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky

1 Community and Technical College System for administering these funds, including
2 but not limited to the expenses and costs of commission operations, shall be
3 determined by the commission and shall not exceed five percent (5%) of the total
4 amount of moneys accruing to the Firefighters Foundation Program fund which are
5 allotted for the purposes specified in this section during any fiscal year.

6 (8) The commission shall withhold from the general distribution of funds under
7 subsection (2) of this section an amount which it deems sufficient to reimburse
8 volunteer fire departments for equipment lost or damaged beyond repair due to
9 hazardous material incidents.

10 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
11 under the following terms and conditions:

12 (a) A volunteer fire department has lost or damaged beyond repair items of
13 personal protective clothing or equipment due to that equipment having been
14 lost or damaged as a result of an incident in which a hazardous material (as
15 defined in any state or federal statute or regulation) was the causative agent of
16 the loss;

17 (b) The volunteer fire department has made application in writing to the
18 commission for reimbursement in a manner approved by the commission and
19 the loss and the circumstances thereof have been verified by the commission;

20 (c) The loss of or damage to the equipment has not been reimbursed by the person
21 responsible for the hazardous materials incident or by any other person;

22 (d) The commission has determined that the volunteer fire department does not
23 have the fiscal resources to replace the equipment;

24 (e) The commission has determined that the equipment sought to be replaced is
25 immediately necessary to protect the lives of the volunteer firefighters of the
26 fire department;

27 (f) The fire department has agreed in writing to subrogate all claims for and rights

1 to reimbursement for the lost or damaged equipment to the Commonwealth to
2 the extent that the Commonwealth provides reimbursement to the department;
3 and

4 (g) The department has shown to the satisfaction of the commission that it has
5 made reasonable attempts to secure reimbursement for its losses from the
6 person responsible for the hazardous materials incident and has been
7 unsuccessful in the effort.

8 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
9 this section, the commission may authorize a reimbursement of equipment losses
10 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
11 whichever is less.

12 (11) Moneys which have been withheld during any fiscal year which remain unexpended
13 at the end of the fiscal year shall be distributed in the normal manner required by
14 subsection (2) of this section during the following fiscal year.

15 (12) No volunteer fire department may receive funding for equipment losses more than
16 once during any fiscal year.

17 (13) The commission shall make reasonable efforts to secure reimbursement from the
18 responsible party for any moneys awarded to a fire department pursuant to this
19 section.

20 (14) There shall be allotted each year of the 1992-93 biennium one million dollars
21 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01
22 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge
23 proceeds accruing to the Firefighters Foundation Program fund for the purpose of
24 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient
25 and derive its operating revenues from principal and interest payments. The
26 commission, in accordance with the procedures in subsection (4) of this section,
27 may make low-interest loans, and the interest thereon shall not exceed three percent

1 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
2 whichever is less, to volunteer fire departments for the purposes of major equipment
3 purchases and facility construction. Loans shall be made to departments which
4 achieve the training standards necessary to qualify for volunteer fire department aid
5 allotted pursuant to subsection (2) of this section, and which do not have other
6 sources of funds at rates which are favorable given their financial resources. The
7 proceeds of loan payments shall be returned to the loan fund for the purpose of
8 providing future loans. If a department does not make scheduled loan payments, the
9 commission may withhold any grants payable to the department pursuant to
10 subsection (2) of this section until the department is current on its payments. Money
11 in the low-interest loan fund shall be used only for the purposes specified in this
12 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
13 carried forward to the next fiscal year for the purposes of the fund.

14 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one
15 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used
16 by the commission to conduct training-related activities.

17 (16) If funding is available from the fund established in KRS 95A.220, the Commission
18 on Fire Protection Personnel Standards and Education may implement the
19 following:

20 (a) A program to prepare emergency service personnel for handling potential
21 man-made and non-man-made threats. The commission shall work in
22 conjunction with the state fire marshal and other appropriate agencies and
23 associations to identify and make maps of gas transmission and hazardous
24 liquids pipelines in the state;

25 (b) A program to provide and maintain a mobile test facility in each training
26 region established by the Commission on Fire Protection Personnel Standards
27 and Education with equipment to administer Comprehensive Physical

- 1 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
2 physical requirements necessary to be an effective and safe firefighter;
- 3 (c) A program to provide defensive driving training tactics to firefighters. The
4 commission shall purchase, instruct in the use of, and maintain mobile
5 equipment in each of the training regions, and fund expenses related to
6 equipment replacement;
- 7 (d) A program to annually evaluate equipment adequacy and to provide for annual
8 physical examinations for instructors, adequate protective clothing and
9 personal equipment to meet NFPA guidelines, and to establish procedures for
10 replacing this equipment as needed;
- 11 (e) A program to establish a rotational expansion and replacement program for
12 mobile fleet equipment currently used for training and recertification of fire
13 departments;
- 14 (f) A program to expand and update current EMS, first responder, EMT, and
15 paramedic training and certification instruction; and
- 16 (g) A program to purchase thermal vision devices to comply with the provisions
17 of KRS 95A.400 to 95A.440.

18 ➔Section 14. KRS 150.150 is amended to read as follows:

- 19 (1) (a) Except as provided in this chapter, all moneys derived from the sale of
20 licenses or from any other source connected with the administration of this
21 chapter shall be promptly paid over to the State Treasurer, who shall deposit
22 such moneys in a special fund, known as the game and fish fund, except that
23 the moneys shall be entered under separate restricted fund accounts, not
24 commingled, and maintained according to generally accepted accounting
25 principles.
- 26 (b) Moneys derived from the sale of licenses issued under this chapter shall be
27 under separate restricted fund account from any other proceeds derived from

1 this chapter or from proceeds obtained under any other chapter.

2 **(c)** The game and fish fund:

3 **1.** Shall be used to:

4 **a.** Carry out the purposes of this chapter and any law or regulation for
5 the protection of wildlife; **and**

6 **b.** **Pay the annual supplement provided in subsection (1),**
7 **paragraph (e) of Section 6 of this Act;** and

8 **2.** **Shall not be used** for ~~any~~ other purpose.

9 (2) All funds received under KRS 150.110 and 150.520 shall be used by the department
10 for the purpose of enforcing those sections and for the protection and propagation of
11 mussel beds. Any surplus remaining in the fund at the close of each calendar year
12 shall be turned into the general fund of the department.

13 (3) In addition to the funds derived pursuant to KRS 186.050(15), the department shall,
14 beginning August 1, 2006, and each fiscal year thereafter, set aside not less than
15 twenty-five thousand dollars (\$25,000) from the game and fish fund for the purpose
16 of promoting hunger relief through specific wildlife management and conservation
17 efforts. The department shall provide for a separate accounting of these funds and
18 shall, by October 1, 2007, and annually thereafter, report on the expenditures made
19 pursuant to this subsection to the Governor and the Legislative Research
20 Commission.

21 (4) The department shall prescribe a method to allow any applicant for a license
22 required under KRS 150.175 to make, at the time of application, a voluntary
23 contribution in the amount of two dollars (\$2) for the Becoming an Outdoors-
24 Woman Program or other hunter and angler recruitment and retention program. The
25 voluntary contribution shall be deposited into a separate, restricted account within
26 the game and fish fund. The Becoming an Outdoors-Woman Program shall
27 encourage women in developing skills for outdoor recreational activities including

1 but not limited to hunting and angling. The voluntary contribution shall be
2 automatically added to the cost of the license at the time of sale.

3 ➔Section 15. KRS 439.3401 is amended to read as follows:

- 4 (1) As used in this section, "violent offender" means any person who has been
5 convicted of or pled guilty to the commission of:
- 6 (a) A capital offense;
 - 7 (b) A Class A felony;
 - 8 (c) A Class B felony involving the death of the victim or serious physical injury
9 to a victim;
 - 10 (d) An offense described in KRS 507.040 or 507.050 where the offense involves
11 the killing of a peace officer or firefighter while the officer or firefighter was
12 acting in the line of duty;
 - 13 (e) **A Class B felony involving criminal attempt to commit murder under KRS**
14 **506.010 if the victim of the offense is a clearly identifiable peace officer or**
15 **firefighter acting in the line of duty, regardless of whether an injury results;**
 - 16 (f) The commission or attempted commission of a felony sexual offense
17 described in KRS Chapter 510;
 - 18 (g) Use of a minor in a sexual performance as described in KRS 531.310;
 - 19 (h) Promoting a sexual performance by a minor as described in KRS
20 531.320;
 - 21 (i) Unlawful transaction with a minor in the first degree as described in
22 KRS 530.064(1)(a);
 - 23 (j) Human trafficking under KRS 529.100 involving commercial sexual
24 activity where the victim is a minor;
 - 25 (k) Criminal abuse in the first degree as described in KRS 508.100;
 - 26 (l) Burglary in the first degree accompanied by the commission or
27 attempted commission of an assault described in KRS 508.010, 508.020,

1 508.032, or 508.060;

2 ~~(m)(1)~~ Burglary in the first degree accompanied by commission or attempted
3 commission of kidnapping as prohibited by KRS 509.040; or

4 ~~(n)(m)~~ Robbery in the first degree.

5 The court shall designate in its judgment if the victim suffered death or serious
6 physical injury.

7 (2) A violent offender who has been convicted of a capital offense and who has
8 received a life sentence (and has not been sentenced to twenty-five (25) years
9 without parole or imprisonment for life without benefit of probation or parole), or a
10 Class A felony and receives a life sentence, or to death and his or her sentence is
11 commuted to a life sentence shall not be released on probation or parole until he or
12 she has served at least twenty (20) years in the penitentiary. Violent offenders may
13 have a greater minimum parole eligibility date than other offenders who receive
14 longer sentences, including a sentence of life imprisonment.

15 (3) (a) A violent offender who has been convicted of a capital offense or Class A
16 felony with a sentence of a term of years or Class B felony shall not be
17 released on probation or parole until he has served at least eighty-five percent
18 (85%) of the sentence imposed.

19 (b) A violent offender who has been convicted of a violation of KRS 507.040
20 where the victim of the offense was clearly identifiable as a peace officer or a
21 firefighter and the victim was acting in the line of duty shall not be released on
22 probation or parole until he or she has served at least eighty-five percent
23 (85%) of the sentence imposed.

24 (c) A violent offender who has been convicted of a violation of KRS 507.040 or
25 507.050 where the victim of the offense was a peace officer or a firefighter
26 and the victim was acting in the line of duty shall not be released on probation
27 or parole until he or she has served at least fifty percent (50%) of the sentence

1 imposed.

2 (d) Any offender who has been convicted of a homicide or fetal homicide offense
3 under KRS Chapter 507 or 507A in which the victim of the offense died as the
4 result of an overdose of a Schedule I controlled substance and who is not
5 otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be
6 released on probation, shock probation, parole, conditional discharge, or other
7 form of early release until he or she has served at least fifty percent (50%) of
8 the sentence imposed.

9 (4) A violent offender shall not be awarded any credit on his sentence authorized by
10 KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his or
11 her sentence if the credit reduces the term of imprisonment to less than eighty-five
12 percent (85%) of the sentence.

13 (5) This section shall not apply to a person who has been determined by a court to have
14 been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard
15 to the offenses involving the death of the victim or serious physical injury to the
16 victim. The provisions of this subsection shall not extend to rape in the first degree
17 or sodomy in the first degree by the defendant.

18 (6) This section shall apply only to those persons who commit offenses after July 15,
19 1998.

20 (7) For offenses committed prior to July 15, 1998, the version of this statute in effect
21 immediately prior to that date shall continue to apply.

22 (8) The provisions of subsection (1) of this section extending the definition of "violent
23 offender" to persons convicted of or pleading guilty to robbery in the first degree
24 shall apply only to persons whose crime was committed after July 15, 2002.

25 ➔Section 16. Whereas the funding for payments to police officers and firefighters
26 coincides with the beginning of the fiscal year, an emergency is declared to exist, and this
27 Act takes effect July 1, 2018.