

**2022**

**KENTUCKY GENERAL ASSEMBLY**

EFFECTIVE DATE OF MOST NEW LEGISLATION IS

**JULY 14, 2022**

*\*Unless noted as different in individual statutes*

*NOTE - CERTAIN BILLS ARE EMERGENCY LEGISLATION AND EFFECTIVE IMMEDIATELY UPON THE SIGNATURE OF THE GOVERNOR (SEE INDIVIDUAL STATUTE HEADINGS DENOTED IN RED). STATUTES MAY HAVE STAGGERED ENACTMENT DATES AS WELL.*

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Kentucky Revised Statutes Headings in **bold**. New text in **bold**. Deleted text in ~~strikethrough~~.

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This publication is not offered as a legal opinion and/or legal advice, and should not be relied upon or cited as legal authority for any actions. Always consult legal counsel when in doubt about the meaning of a statute or court decision.

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## SENATE BILL 8 – CHILD WELFARE – EMERGENCY

**Section 17. KRS 600.020 is amended to read as follows:**

### **KRS 600.020**

As used in KRS Chapters 600 to 645, unless the context otherwise requires:

- (1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when:
  - (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:
    1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
    2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
    3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;
    4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
    5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
    6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
    7. Abandons or exploits the child;
    8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being **when financially able to do so or offered financial or other means to do so**. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason

alone. This exception shall not preclude a court from ordering necessary medical services for a child;

9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
  10. Commits or allows female genital mutilation as defined in KRS 508.125 to be committed; or
- (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;

\* \* \*

(28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, ***or an emotionally significant relationship with a biological parent, siblings, or half-siblings of the child in the case of a child from birth to twelve (12) months of age, prior to placement;***

\* \* \*

Signed by Governor – April 1, 2022  
2022 Kentucky Acts Chapter 75 (SB 8).

## SENATE BILL 23 – THEFT OF MAIL MATTER

***Section 1. KRS 514.140 is amended to read as follows:***

### **KRS 514.140**

- (1) A person is guilty of theft of mail matter when with intent to deprive the owner thereof he ***or she***:
- (a) Steals;
  - (b) By fraud or deception obtains;
  - (c) Embezzles;
  - (d) Conceals;

(e) Damages; or

(f) Destroys;

any mail matter of another (including but not limited to any letter, postal card, package, bag, or other item) from any letterbox, mail receptacle, or other authorized depository for mail matter, or from a letter carrier, postal vehicle, or private mail box or which has been left for collection or delivery adjacent thereto by the United States Postal Service, ***common carrier, or delivery service.***

(2) Theft of mail matter is a Class D felony.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 97 (SB 23).

## SENATE BILL 38 – INCEST

***Section 1. KRS 439.3401 is amended to read as follows:***

### **KRS 439.3401**

- (1) As used in this section, “violent offender” means any person who has been convicted of or pled guilty to the commission of:
- (a) A capital offense;
  - (b) A Class A felony;
  - (c) A Class B felony involving the death of the victim or serious physical injury to a victim;
  - (d) An offense described in KRS 507.040 or 507.050 where the offense involves the killing of a peace officer, firefighter, or emergency medical services personnel while the peace officer, firefighter, or emergency medical services personnel was acting in the line of duty;
  - (e) A Class B felony involving criminal attempt to commit murder under KRS 506.010 if the victim of the offense is a clearly identifiable peace officer, firefighter, or emergency medical services personnel acting in the line of duty, regardless of whether an injury results;
  - (f) The commission or attempted commission of a felony sexual offense described in KRS Chapter 510;

- (g) Use of a minor in a sexual performance as described in KRS 531.310;
- (h) Promoting a sexual performance by a minor as described in KRS 531.320;
- (i) Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a);
- (j) Human trafficking under KRS 529.100 involving commercial sexual activity where the victim is a minor;
- (k) Criminal abuse in the first degree as described in KRS 508.100;
- (l) Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;
- (m) Burglary in the first degree accompanied by commission or attempted commission of kidnapping as prohibited by KRS 509.040; or
- (n) Robbery in the first degree; *or*
- (o) *Incest as described in KRS 530.020(2)(b) or (c).***

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

- (2) A violent offender who has been convicted of a capital offense and who has received a life sentence (and has not been sentenced to twenty-five (25) years without parole or imprisonment for life without benefit of probation or parole), or a Class A felony and receives a life sentence, or to death and his or her sentence is commuted to a life sentence shall not be released on probation or parole until he or she has served at least twenty (20) years in the penitentiary. Violent offenders may have a greater minimum parole eligibility date than other offenders who receive longer sentences, including a sentence of life imprisonment.
- (3)
  - (a) A violent offender who has been convicted of a capital offense or Class A felony with a sentence of a term of years or Class B felony shall not be released on probation or parole until he has served at least eighty-five percent (85%) of the sentence imposed.
  - (b) A violent offender who has been convicted of a violation of KRS 507.040 where the victim of the offense was clearly identifiable as a peace officer, a firefighter, or emergency medical services personnel, and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.
  - (c) A violent offender who has been convicted of a violation of KRS 507.040 or 507.050 where the victim of the offense was a peace officer, a firefighter, or

emergency medical services personnel, and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed.

- (d) Any offender who has been convicted of a homicide or fetal homicide offense under KRS Chapter 507 or 507A in which the victim of the offense died as the result of an overdose of a Schedule I controlled substance and who is not otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed.
- (4) A violent offender shall not be awarded any credit on his sentence authorized by KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his or her sentence if the credit reduces the term of imprisonment to less than eighty-five percent (85%) of the sentence.
- (5) This section shall not apply to a person who has been determined by a court to have been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard to the offenses involving the death of the victim or serious physical injury to the victim. The provisions of this subsection shall not extend to rape in the first degree or sodomy in the first degree by the defendant.
- (6) This section shall apply only to those persons who commit offenses after July 15, 1998.
- (7) For offenses committed prior to July 15, 1998, the version of this statute in effect immediately prior to that date shall continue to apply.
- (8) The provisions of subsection (1) of this section extending the definition of "violent offender" to persons convicted of or pleading guilty to robbery in the first degree shall apply only to persons whose crime was committed after July 15, 2002.

Signed by Governor – March 10, 2022.  
2022 Kentucky Acts Chapter 14 (SB 38).

## **SENATE BILL 64 – PEER COUNSELING FOR PUBLIC SAFETY EMPLOYEES**

### ***Section 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:***

***(1) As used in this section:***

***(a) "Public safety employee" means an individual employed by a public agency who:***

1. *Serves as a police officer as defined by KRS 15.420(2)(a)1.;*
  2. *Serves in a position that is primarily engaged in firefighting activities, whether paid or unpaid;*
  3. *Serves as a certified telecommunicator as provided by KRS 15.560 to 15.565; or*
  4. *Is licensed to provide emergency medical services as provided by KRS Chapter 311A;*
- (b) *"Peer support communication" means any oral or written communication made in the course of, or application for, a peer support counseling session or any communication by a peer support participant regarding the contents of a peer support counseling session to another peer support specialist, staff member of a peer support counseling program, or the supervisor of a peer support specialist;*
- (c) *"Peer support counseling program" means a program provided by a public agency to provide counseling services from a peer support specialist to a public safety employee;*
- (d) *"Peer support counseling session" means any counseling formally provided through a peer support counseling program between a peer support specialist and one (1) or more public safety employees;*
- (e) *"Peer support participant" means a public safety employee who receives counseling services from a peer support specialist;*
- (f) *"Peer support specialist" means a public safety employee designated by the public agency to provide peer support counseling who has received training in both peer support counseling and in providing emotional and moral support to public safety employees who have been in or exposed to an emotionally traumatic experience in the course of employment; and*
- (g) *"Public agency" has the same meaning as the entities listed in KRS 65.870 (1).*
- (2) *Any public agency may create and design a peer support counseling program to provide support to public safety employees who have been in or exposed to an emotionally traumatic experience in the course of employment.*
- (3) *The content of any peer support communication shall remain confidential and shall not be disclosed to any individual who was not party to the peer support counseling session or peer support communication, except when the peer support communication contains:*



- (a) ***An explicit threat of suicide by a participant in which the participant shares an intent to die by suicide, a plan to carry out a suicide attempt, or discloses the means by which the participant intends to carry out a suicide attempt. This paragraph shall not apply to any peer support communication where the participant solely shares that the participant is experiencing suicidal thoughts;***
  - (b) ***An explicit threat by a participant of imminent and serious physical and bodily harm or death to a clearly identified or reasonably identifiable victim;***
  - (c) ***Information related to the abuse or neglect of a child or an older adult or vulnerable individual that is required by law to be reported;***
  - (d) ***An admission of criminal conduct; or***
  - (e) ***Information which is required by law to be disclosed.***
- (4) ***A peer support participant shall hold a privilege from disclosure of any peer support communication in any disciplinary proceeding or any civil or criminal proceeding unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of this section. Under this privilege, the peer support communication shall be subject to the same protections as any counselor-client privilege provided under the Kentucky Rules of Evidence in any criminal or civil proceeding.***
- (5) ***Nothing in subsections (3) or (4) of this section shall be interpreted or construed to prohibit:***
- (a) ***The use of or sharing by the public agency of anonymous data for research, statistical analysis, or educational purposes;***
  - (b) ***The disclosure of an observation by an employee of the public agency of a peer support participant outside of a peer support counseling session and not contained in peer support communication; or***
  - (c) ***The disclosure of knowledge of a law enforcement officer of the public agency about a peer support participant not gained from peer support communication.***

Section 2. (1) The Task Force for Public Safety Peer Support Best Practices is hereby created and shall be attached to the Department for Behavioral Health, Developmental and Intellectual Disabilities within the Cabinet for Health and Family Services for administrative purposes. The task force shall:

- (a) Be chaired by the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities or his or her designee;

- (b) Be composed of twelve (12) additional representatives appointed by the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, which shall include:
1. A representative of the Kentucky Fraternal Order of Police;
  2. A representative of the Kentucky Professional Firefighters Association;
  3. A representative of the Kentucky Department of Criminal Justice Training;
  4. A representative of the Kentucky Fire Commission;
  5. A representative of the Kentucky League of Cities;
  6. A representative of the Kentucky Association of Counties;
  7. A representative of the Kentucky Board of Emergency Medical Services;
  8. A representative of the Kentucky Association of Public Safety Communications Officials and Kentucky Emergency Number Association;
  9. An individual licensed to provide emergency medical services under KRS Chapter 311A; and
  10. Three (3) individuals that have experience and expertise in peer counseling services;
- (c) Develop a report on best practices and professional standards for peer support counseling programs within one (1) year of the effective date of this Act. The best practices report shall include:
1. Advice on establishing and operating peer support counseling programs successfully;
  2. Recommendations on minimum standards for the training, certification, and continuing education of peer support specialists;
  3. Recommendations of ethical standards and protocols for peer support specialists;
  4. Advice on disclosures to the public safety employees of their confidentiality rights as a peer support participant under subsection (4) of Section 1 of this Act;
  5. Information on different types of peer support counseling programs in use and available to public safety employees and their agencies; and

- 6. Information on the importance of peer support counseling programs and peer support specialists and access to additional mental health resources available to public safety employees.
- (2) The Department for Behavioral Health, Developmental and Intellectual Disabilities shall disseminate and make publicly available the task force's report to employers of public safety employees.

Signed by Governor – March 17, 2022.  
 2022 Kentucky Acts Chapter 17 (SB 64).

**SENATE BILL 66 – CORONERS**

***Section 1. KRS 64.185 is amended to read as follows:***

**KRS 64.185**

- (1) (a) Coroners shall receive out of the county, consolidated local government, charter county government, urban-county government, or unified local government treasury, whichever is appropriate, the monthly compensation the fiscal court of each county shall fix, subject to the following minimums:

County Monthly	Minimum Population Compensation
1. 10,000 or less	\$200
2. 10,001 to 20,000	300
3. 20,001 to 40,000	350
4. 40,001 to 60,000	400
5. 60,001 to 100,000	450
6. 100,001 to 150,000	800
7. 150,001 or more	1,000

- (b) Coroners who hold a current certificate of continuing education, issued jointly by the Department of Criminal Justice Training, Justice and Public Safety Cabinet, and the Office of the Kentucky State Medical Examiner, Justice and Public Safety Cabinet, ***and who have completed the course described in subsection (4)(b) of this section***, shall be paid the following minimum monthly compensation set forth in this subsection in recognition of the training:

County Monthly	Minimum Population Compensation
1. 10,000 or less	\$400

2. 10,001 to 20,000	500
3. 20,001 to 40,000	650
4. 40,001 to 60,000	750
5. 60,001 to 100,000	850
6. 100,001 to 150,000	1,100
7. 150,001 or more	1,300

- (2) Deputy coroners who hold a current certificate of continuing education, as described in subsection (1)(b) of this section, **and have completed the course described in subsection (4)(b) of this section**, shall receive out of the county, consolidated local government, charter county government, urban-county government, or unified local government treasury, whichever is appropriate, the monthly compensation the fiscal court of each county shall fix, subject to the following minimums:

County Monthly	Minimum Population Compensation
(a) 10,000 or less	\$200
(b) 10,001 to 20,000	250
(c) 20,001 to 40,000	275
(d) 40,001 to 60,000	300
(e) 60,001 to 100,000	400
(f) 100,001 to 150,000	900
(g) 150,001 or more	1,100

- (3) The fiscal court of any county, or the legislative body of a consolidated local government, charter county government, urban-county government, or unified local government may compensate coroners and deputy coroners an additional amount of up to three hundred dollars (\$300) per month as an expense allowance.

- (4) **(a)** The initial course of continuing education required under subsection (1)(b) of this section shall consist of a forty (40) hour basic training course prescribed by the Justice and Public Safety Cabinet. Annually thereafter the coroner shall attend and successfully complete at least eighteen (18) hours of approved training in order to be compensated in accordance with subsection (1)(b) of this section.

**(b)** *Within three (3) years of initially assuming office, in order to be compensated in accordance with subsections (1)(b) and (2) of this section, a coroner or*

***deputy coroner shall attend and complete a course of at least four (4) hours provided by the Department of Criminal Justice Training that shall include instruction on the grieving process and best practices for providing a notice of death to a spouse or next of kin and may include instruction on other similar topics. A coroner or deputy coroner that has completed the course shall not be required to retake the course.***

- (5) If a deputy coroner assumes the office of coroner after receiving the training stipulated in this section, the deputy coroner shall be compensated in accordance with the compensation schedule set forth in subsection (1)(b) of this section.
- (6) The number of deputy coroners in a county shall not exceed one (1) for each twenty-five thousand (25,000) inhabitants, or fraction thereof, according to the most recent federal census, but every coroner may, subject to the approval of the legislative body of the county, consolidated local government, charter county government, urban-county government, or unified local government, appoint additional deputy coroners, regardless of population.

***Section 2. KRS 72.415 is amended to read as follows:***

**KRS 72.415**

- (1) For the purpose of enforcing the provisions of KRS 72.410 to 72.470, coroners and deputy coroners shall have the full power and authority of peace officers in this state, including the power of arrest and the authority to bear arms, and shall have the power and authority to:
  - (a) Administer oaths;
  - (b) Enter upon public or private premises for the purpose of making investigations;
  - (c) Seize evidence;
  - (d) Interrogate persons;
  - (e) Require the production of medical records, books, papers, documents, or other evidence;
  - (f) Impound vehicles involved in vehicular deaths;
  - (g) Employ special investigators and photographers; and
  - (h) Expend funds for the purpose of carrying out the provisions of KRS 72.410 to 72.470.

The fiscal court or urban-county government shall pay all reasonable expenses incurred by the coroner and his deputy in carrying out his responsibilities under the provisions of KRS 72.410 to 72.470.

- (2) (a) 1. No person shall be eligible to hold the office of deputy coroner unless he holds a high school diploma or its recognized equivalent. Every deputy coroner, other than a licensed physician, shall be required as a condition of office to take during every calendar year he or she is in office the training course of at least eighteen (18) hours provided by the Department of Criminal Justice Training or other courses approved by the Justice and Public Safety Cabinet after having completed the basic training course the first year of employment. The training course shall include material developed by the cabinet and approved by the Cabinet for Health and Family Services on the human immunodeficiency virus infection and acquired immunodeficiency syndrome. The material shall include information on known modes of transmission and methods of controlling and preventing these diseases with an emphasis on appropriate behavior and attitude change.
2. ***Within three (3) years of initially assuming office, every deputy coroner shall be required as a condition of office to take a course of at least four (4) hours provided by the Department of Criminal Justice Training that shall include instruction on the grieving process and best practices for providing a notice of death to a spouse or next of kin and may include instruction on other similar topics, as set out in subsection (4)(b) of Section 1 of this Act. A deputy coroner that has completed the course shall not be required to retake the course.***
- (b) 1. Any deputy coroner subject to the training requirements of paragraph (a) of this subsection who fails to complete the mandated training shall be ineligible to perform the duties of deputy coroner, and may be terminated by the coroner. The coroner shall make written notification of the deputy coroner's ineligibility to perform his or her duties to the deputy coroner and to the fiscal court or the legislative body of the consolidated local government, charter county government, urban-county government, or unified local government.
2. The deputy coroner shall regain his or her eligibility upon successful recompletion of the initial basic training course referenced in KRS 64.185(4), which shall be evidenced by written certification provided by the Department of Criminal Justice Training to the coroner. Upon receipt of the certification, the coroner shall make written notification of the reinstatement of eligibility to the deputy coroner and to the fiscal court or the legislative body of the consolidated local government, charter county government, urban-county government, or unified local government.

3. The compensation of a deputy coroner who becomes ineligible to perform his or her duties under subparagraph 1. of this paragraph shall be modified as follows:
  - a. From the coroner's written notification of ineligibility until the deputy coroner begins the basic training course mandated by subparagraph 2. of this paragraph, the deputy coroner shall receive no compensation;
  - b. From the first day that the deputy coroner begins the basic training course mandated by subparagraph 2. of this paragraph until written notification of course outcome is received by the coroner, the deputy coroner shall be compensated at his or her previously established rate of compensation;
  - c. If the deputy coroner fails the basic training course mandated by subparagraph 2. of this paragraph, the deputy coroner shall receive no compensation from the date of receipt of notification of failure from Department of Criminal Justice Training to the coroner until the deputy coroner begins anew the basic training course mandated by subparagraph 2. of this paragraph, at which time the deputy coroner shall be compensated at his or her previously established rate of compensation; and
  - d. If the deputy coroner successfully completes the basic training course mandated by subparagraph 2. of this paragraph as evidenced by written certification provided by the Department of Criminal Justice Training to the coroner, the deputy coroner shall receive compensation as is normally determined for deputy coroners pursuant to statute.

**SECTION 3. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:**

- (1) A coroner shall follow the requirements of subsection (3) of this section relating to notification of a spouse, if any, or next of kin, when the coroner has reason to believe that the spouse, if any, or next of kin has not yet been notified of the decedent's death, and:**
  - (a) A coroner is acting under KRS 72.450 and has reason to believe that the spouse, if any, or next of kin of the decedent resides in the coroner's jurisdiction; or**
  - (b) A coroner has received notification from another official that a spouse, if any, or next of kin of a decedent resides in the coroner's jurisdiction.**
- (2) A coroner is not required to follow subsection (3) of this section when the coroner is acting under KRS 72.450, but has reason to believe that the spouse, if any, or next of kin of the decedent resides outside of the coroner's jurisdiction. In that event, the**

*coroner shall only be required to contact the coroner or other official responsible for providing notification in that jurisdiction regarding the decedent's death.*

**(3) When providing notification to the spouse, if any, or next of kin of a decedent regarding the decedent's death, the coroner shall:**

**(a) Prior to the notification:**

- 1. Contact, through nonemergency means and without disclosing any information identifying the decedent or spouse, if any, or next of kin of the decedent, an entity capable of providing emergency medical assistance;**
- 2. Inform the entity that a notification is planned to take place; and**
- 3. Confirm that the entity is capable of providing a prompt emergency response.**

*Nothing in this paragraph shall be construed to prohibit a coroner from disclosing any information identifying the decedent or spouse, if any, or next of kin of a decedent to an entity capable of providing emergency assistance in the case of an emergency;*

- (b) Arrange for another member of the coroner's office or, if another member is not available, a law enforcement officer, member of the clergy, professional grief counselor, or other respected member of the community to assist, in person, in providing the notification;**
- (c) Provide the notification orally, in person, and in a respectful manner;**
- (d) Assist the recipient of the notification in contacting family or friends, and, in the event that the recipient is alone, remain with the recipient of the notification for as long as practicable or until a friend, family member, or other person is able to arrive and attend to the recipient;**
- (e) Provide information to the recipient of the notification regarding the handling of the decedent's remains, contact information for the coroner's office, and information regarding organizations that provide grief counseling; and**
- (f) Conduct a follow-up communication with the recipient of the notification within forty-eight (48) hours of providing the notification.**

Section 4. Sections 1 and 2 of this Act take effect January 1, 2023.

Section 5. A coroner or deputy coroner serving on January 1, 2023, may continue being compensated under Section 1 of this Act if he or she completes the course described in subsection (4)(b) of Section 1 of this Act by January 1, 2026. No deputy coroner shall have his or



her employment status changed for failure to complete the course described in subsection (4)(b) of Section 1 of this Act prior to January 1, 2026.

Section 6. This Act may be cited as Nathan's Law.

Signed by Governor – April 8, 2022.

2022 Kentucky Acts Chapter 138 (SB 66).

## SENATE BILL 96 – KENTUCKY LAW ENFORCEMENT COUNCIL

**Section 1. KRS 15.315 is amended to read as follows:**

### **KRS 15.315**

The Kentucky Law Enforcement Council is hereby established as an independent administrative body of state government to be made up as follows:

- (1) The Attorney General of Kentucky, the commissioner of the Department of Kentucky State Police, the commissioner of the Department of Criminal Justice Training, the chief of police of the Louisville Metro Police Department, the chief of police of the Lexington-Fayette Urban County Division of Police, **the chief of police of the Bowling Green Police Department**, the director of the Southern Police Institute of the University of Louisville, the dean of the College of Justice and Safety of Eastern Kentucky University, the president of the Kentucky Peace Officers Association, the president of the Kentucky Association of Chiefs of Police, the Kentucky president of the Fraternal Order of Police, the president of the Kentucky Women's Law Enforcement Network, and the president of the Kentucky Sheriffs' Association shall be ex officio members of the council, as full voting members of the council by reason of their office. The United States attorneys for the Eastern and Western Districts of Kentucky may confer and designate a local law enforcement liaison who shall serve on the council in an advisory capacity only without voting privileges. Each ex officio member may designate in writing a person to represent him or her and to vote on his or her behalf. Designees of the Department of Kentucky State Police, Department of Criminal Justice Training, Louisville Metro Police Department, **Bowling Green Police Department**, and the Lexington-Fayette Urban County Division of Police shall be the head of the agency's training division or the agency's deputy chief or deputy commissioner.
- (2) Twelve (12) members shall be appointed by the Governor for terms of four (4) years from the following classifications: a city manager or mayor, a county judge/executive, three (3) Kentucky sheriffs, a member of the Kentucky State Bar Association, five (5) chiefs of police, and a citizen of Kentucky not coming within the foregoing classifications. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment.

Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.

- (3) No member may serve on the council with the dual membership as the representative of more than one (1) of the aforementioned groups or the holder of more than one (1) of the aforementioned positions. In the event that an existing member of the council assumes a position entitling him to serve on the council in another capacity, the Governor shall appoint an additional member from the group concerned to prevent dual membership.
- (4) Membership on the council does not constitute a public office, and no member shall be disqualified from holding public office by reason of his membership.

***Section 2. KRS 15.320 is amended to read as follows:***

**KRS 15.320**

The business of the council shall be conducted in the following manner:

- (1) The council at its initial meeting to be held promptly after the appointment of its members, shall elect a chairman and vice chairman from among its members who shall serve until the first meeting in the succeeding year. Thereafter, the chairman and vice chairman shall be elected at the first meeting of each calendar year.
- (2) ***A majority of the*** ~~Ten (10)~~ members of the council shall constitute a quorum for the transaction of business.
- (3) The council shall maintain minutes of its meetings and such other records as it deems necessary.
- (4) The council shall report at least annually to the Governor and to the General Assembly as to its activities.

Approved March 10, 2022.  
2022 Kentucky Acts Chapter 15 (SB 96).

**SENATE BILL 97 – CHILD FATALITIES AND NEAR FATALITIES<sup>1</sup>**

***Section 1. KRS 620.040 is amended to read as follows:***

**KRS 620.040**

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<sup>1</sup> Editor's Note: The only section of this enacted legislation relevant to law enforcement is Section 1. The remaining sections have been omitted for printing purposes.

- (1)
  - (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report unless they are the reporting source.
  - (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk determined, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
  - (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and holidays, make a written report to the Commonwealth's or county attorney and the local enforcement agency or the Department of Kentucky State Police concerning the action that has been taken on the investigation.
  - (d) If the report alleges abuse or neglect by someone other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, or the human trafficking of a child, the cabinet shall immediately notify the Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police.
- (2)
  - (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and (2), the recipient shall immediately notify the cabinet or its designated representative.
  - (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human

trafficking of a child shall be considered high risk and shall not be referred to any other community agency.

- (c) The cabinet need not notify the local law enforcement agency or the Department of Kentucky State Police or county attorney or Commonwealth's attorney of reports made under this subsection unless the report involves the human trafficking of a child, in which case the notification shall be required.
- (3) If the cabinet or its designated representative receives a report of abuse by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or other person exercising custodial control or supervision of a child, it shall immediately notify the local law enforcement agency or the Department of Kentucky State Police and the Commonwealth's or county attorney of the receipt of the report and its contents, and they shall investigate the matter. The cabinet or its designated representative shall participate in an investigation of noncustodial physical abuse or neglect at the request of the local law enforcement agency or the Department of Kentucky State Police. The cabinet shall participate in all investigations of reported or suspected sexual abuse or human trafficking of a child.
- (4) School personnel or other persons listed in KRS 620.030(2) do not have the authority to conduct internal investigations in lieu of the official investigations outlined in this section.
- (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its designated representative cannot gain admission to the location of the child, a search warrant shall be requested from, and may be issued by, the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected, or abused. If, pursuant to a search under a warrant, a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer.
- (b) If a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he or she is returned to the persons having custody of him or her, the physician or hospital administrator may hold the child without court order, provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours.
- (c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist

reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury, is being sexually abused, or is a victim of human trafficking and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order.

(d) When a law enforcement officer, hospital administrator, or physician takes a child into custody without the consent of the parent or other person exercising custodial control or supervision, he or she shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.

**(e) 1. *If a report includes a child fatality or near fatality, and the law enforcement officer has reasonable grounds to believe any parent or person exercising custodial control or supervision of the child was under the influence of alcohol or drugs at the time the fatality or near fatality occurred, the law enforcement officer shall request a test of blood, breath, or urine from that person.***

**2. *If, after making the request, consent is not given for the test of blood, breath, or urine, a search warrant shall be requested from and may be issued by the judge to the appropriate law enforcement official upon probable cause that a child fatality or near fatality has occurred and that the person exercising custodial control or supervision of the child at the time of the fatality or near fatality was under the influence.***

**3. *Any test requested under this section shall be conducted pursuant to the testing procedures and requirements in KRS 189A.103.***

\* \* \*

Signed by Governor – April 8, 2022  
2022 Kentucky Acts Chapter 139 (SB 97).

## SENATE BILL 174 – SLOW MOVING VEHICLES

***Section 1. KRS 189.940 is amended to read as follows:***

## KRS 189.940

- (1) Except as provided in KRS 189.920, the speed limitations set forth in the Kentucky Revised Statutes do not apply to emergency vehicles:
  - (a) When responding to emergency calls; or
  - (b) To police vehicles when in pursuit of an actual or suspected violator of the law; or
  - (c) To ambulances when transporting a patient to medical care facilities; and
  - (d) The driver thereof is giving the warning required by subsection (5)(a) and (b) of this section.

No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

- (2) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.
- (3) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he *or she* does so with due regard for the safety of all persons using the street or highway.
- (4) The driver of an emergency or public safety vehicle may stop or park his vehicle upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.
- (5) The driver of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section shall give warning in the following manner:
  - (a) By illuminating the vehicle's warning lights continuously during the period of the emergency; and

- (b) By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless
  - (c) The vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he **or she** shall not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.
- (6) No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his or her vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.
- (7) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.
- (8) *The driver of a public safety vehicle which also meets the definition of a slow-moving vehicle under KRS 189.810 and any vehicle acting as an escort for the slow-moving vehicle, may travel at a speed that may impede or block the normal and reasonable movement of traffic, if:***
- (a) *The vehicle is being operated in an official capacity;***
  - (b) *Operation of the vehicle is in compliance with all state and local government policies; and***
  - (c) *It is necessary for the safe operation of the vehicle.***

**Section 2. KRS 189.390 is amended to read as follows:**

**KRS 189.390**

- (1) As used in this section, unless the context requires otherwise:
- (a) "Business district" means the territory contiguous to and including a highway if, within six hundred (600) feet along the highway, there are buildings in use for business or industrial purposes that occupy three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;
  - (b) "Residential district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is improved with residences or residences and buildings in use for business; and

- (c) "State highway" means a highway or street maintained by the Kentucky Department of Highways.
- (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.
- (3) The speed limit for motor vehicles on state highways shall be as follows, unless conditions exist that require lower speed for compliance with subsection (2) of this section, or the secretary of the Transportation Cabinet establishes a different speed limit in accordance with subsection (4) of this section:
  - (a) Sixty-five (65) miles per hour on interstate highways and parkways;
  - (b) Fifty-five (55) miles per hour on all other state highways; and
  - (c) Thirty-five (35) miles per hour in a business or residential district.
- (4) (a) If the secretary of transportation determines, upon the basis of an engineering and traffic investigation, that any speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of sixty-five (65) miles per hour, except that, notwithstanding the provisions of subsection (3)(a) of this section, the secretary may increase the speed limit on any of the following segments of highway to seventy (70) miles per hour:
  1. Interstate 24 (entire length);
  2. Interstate 64 from Interstate 264 to the West Virginia state line;
  3. Interstate 65 from Interstate 264 to the Tennessee state line;
  4. Interstate 69 (entire length);
  5. Interstate 71 from Interstate 264 to Interstate 275;
  6. Interstate 75 from the Tennessee state line to Interstate 275;
  7. Interstate 165 (entire length);
  8. The Audubon Parkway (entire length);
  9. The Julian M. Carroll Purchase Parkway (entire length);
  10. The Bert T. Combs Mountain Parkway (entire length);
  11. The Bert T. Combs Mountain Parkway Extension (entire length);



12. The Edward T. Breathitt Pennyrile Parkway (entire length);
  13. The Wendell H. Ford Western Kentucky Parkway (entire length);
  14. The Louie B. Nunn Cumberland Expressway (entire length);
  15. The Martha Layne Collins Bluegrass Parkway (entire length); and
  16. The William H. Natcher Parkway (entire length).
- (b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and where posted. The Transportation Cabinet shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this paragraph shall be construed to prevent the Transportation Cabinet from using moveable or portable speed limit signs in highway work zones.
- (5) (a) A city or a county may by ordinance establish speed limits within its own jurisdiction, except as provided in paragraph (b) of this subsection.
- (b) The alteration of speed limits on state highways within a city or a county shall not be effective until the alteration has been approved by the secretary of transportation. The secretary shall not approve any alteration that could increase any speed limit established by subsection (3)(b) or (c) of this section in excess of fifty-five (55) miles per hour.
- (c) If a county determines, upon the basis of an engineering and traffic investigation and study, that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one (1) motor vehicle is permitted to park in such district so as to reduce the congestion, the fiscal court may by ordinance establish "no parking" areas on the highway, or limit the length of time any motor vehicle may be parked in any business district.
- (6) The speed limit for motor vehicles in an off-street parking facility offered for public use, whether publicly or privately owned, shall be fifteen (15) miles per hour.
- (7) ***Except as outlined in Section 1 of this Act***, a person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.
- (8) In every charge for a violation of any speed limit specified in this section, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, and the

lawful speed limit applicable at the location where the violation is charged to have occurred.

Signed by Governor – March 25, 2022.  
2022 Kentucky Acts Chapter 35 (SB 174).

## **SENATE BILL 176 – FACIAL RECOGNITION TECHNOLOGY**

### **SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:**

**(1) As used in this section:**

- (a) "Facial recognition technology" means the use of algorithmic comparison of images of an individual's facial features for the purposes of verification or identification, unless used for the sole purpose of authentication in order to access a secure device or secure premises;**
- (b) "Law enforcement agency" means any:**
  - 1. Public agency that employs a police officer as defined in KRS 15.420 or a special law enforcement officer as defined in KRS 61.900;**
  - 2. Public agency that is composed of or employs other public peace officers; and**
  - 3. Elected or appointed peace officer who is authorized to exercise powers of a peace officer as defined in KRS 446.010; and**
- (c) "Model facial recognition technology policy" means the model policy developed and published under this section regarding the use of facial recognition technology.**

**(2) A working group on facial recognition technology is hereby created and shall be attached to the Justice and Public Safety Cabinet for administrative purposes. The working group shall be chaired by the secretary of the Justice and Public Safety Cabinet or his or her designee and composed of representatives from the following organizations as nominated by the secretary and appointed by the Governor:**

- (a) The Kentucky Association of Chiefs of Police;**
- (b) The Department of Criminal Justice Training;**
- (c) The Kentucky League of Cities;**
- (d) The Kentucky Association of Counties; and**
- (e) The Kentucky Sheriff's Association.**

- (3) On or before January 1, 2024, the working group established pursuant to subsection (2) of this section shall create and make publicly available a model policy for use by law enforcement agencies, which shall:**
- (a) Specify the authorized uses of facial recognition technology consistent with the law, including but not limited to:**
    - 1. How search results using facial recognition technology relate to establishing probable cause for arrests; and**
    - 2. The prohibition of using facial recognition technology to identify a person participating in constitutionally protected activities in public spaces unless there is probable cause to believe that an offense has been committed;**
  - (b) Specify requirements for persons within a law enforcement agency that are authorized to use facial recognition technology;**
  - (c) Require a law enforcement agency to specify a process for the agency to document instances in which facial recognition technology is used;**
  - (d) Provide procedures for the confirmation of any initial findings generated by facial recognition technology by a secondary examiner;**
  - (e) Specify data integrity and retention policies applicable to the data collected by the organization, including processes that address:**
    - 1. Maintenance and updating of records used;**
    - 2. A routine audit schedule to ensure compliance with the policy;**
    - 3. The length of time the organization will keep the data; and**
    - 4. The processes by which data will be deleted;**
  - (f) Specify data security measures applicable to the law enforcement agency's use of facial recognition technology, including:**
    - 1. How data collected will be securely stored and accessed; and**
    - 2. Rules and procedures for sharing data with other entities, which ensure that those entities comply with the sharing agency's policy as part of the data-sharing agreement;**
  - (g) Specify training procedures and processes to ensure all personnel who utilize facial recognition technology or access its data are knowledgeable about and able to ensure compliance with the policy;**

- (h) Specify a process that requires a law enforcement agency utilizing facial recognition technology to compare a publicly available or lawfully acquired image against a database of publicly available or lawfully acquired images;**
  - (i) Specify a minimum accuracy standard for face matches in all demographic groups to ensure nondiscrimination against any demographic group with reference to a Face Recognition Vendor Test conducted by the National Institute of Standards and Technology;**
  - (j) Provide a specific mechanism to produce a record of prior uses of facial recognition technology that can be used to audit and verify images and information used to make a match of a person; and**
  - (k) Provide a process that addresses the privacy of persons by excluding, redacting, blurring, or otherwise obscuring nudity or sexual conduct involving any identifiable person.**
- (4) A law enforcement agency that uses facial recognition technology shall have a use policy in place prior to using the technology. A law enforcement agency shall file a full copy of its policy or any revision of its policy with the Justice and Public Safety Cabinet within thirty (30) days of the adoption or revision.**
- (5) This section shall not apply to a generally available consumer product that includes facial recognition technology, provided that the facial recognition technology is intended only for personal or household use. A law enforcement agency shall not use facial recognition technology under this subsection for law enforcement purposes.**

Signed by Governor - April 8, 2022.  
 2022 Kentucky Acts Chapter 147 (SB 176).

## **SENATE BILL 179 – CRIMES DURING DELCARED EMERGENCIES**

**Section 1. KRS 500.080 is amended to read as follows:**

### **KRS 500.080**

As used in the Kentucky Penal Code, unless the context otherwise requires:

- (1) "Actor" means any natural person and, where relevant, a corporation or an unincorporated association;**
- (2) "Crime" means a misdemeanor or a felony;**
- (3) "Dangerous instrument" means any instrument, including parts of the human body when a serious physical injury is a direct result of the use of that part of the human**

body, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury;

- (4) "Deadly weapon" means any of the following:
- (a) A weapon of mass destruction;
  - (b) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
  - (c) Any knife other than an ordinary pocket knife or hunting knife;
  - (d) Billy, nightstick, or club;
  - (e) Blackjack or slapjack;
  - (f) Nunchaku karate sticks;
  - (g) Shuriken or death star; or
  - (h) Artificial knuckles made from metal, plastic, or other similar hard material;
- (5) "Felony" means an offense for which a sentence to a term of imprisonment of at least one (1) year in the custody of the Department of Corrections may be imposed;
- (6) "Government" means the United States, any state, county, municipality, or other political unit, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government;
- (7) "He" means any natural person and, where relevant, a corporation or an unincorporated association;
- (8) *"Impacted by the disaster" means the location or in reasonable proximity to the location where a natural or man-made disaster has caused physical injury, serious physical injury, death, or substantial damage to property or infrastructure;***
- (9) "Law" includes statutes, ordinances, and properly adopted regulatory provisions. Unless the context otherwise clearly requires, "law" also includes the common law;
- (10) (9)** "Minor" means any person who has not reached the age of majority as defined in KRS 2.015;
- (11) (10)** "Misdemeanor" means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment of not more than twelve (12) months can be imposed;

- (12)** *"Natural or man-made disaster" means a tornado, storm, or other severe weather, earthquake, flood, or fire that poses a significant threat to human health and safety, property, or critical infrastructure;*
- (13)** ~~(11)~~ "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state or by any law, order, rule, or regulation of any governmental instrumentality authorized by law to adopt the same;
- (14)** ~~(12)~~ "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority;
- (15)** ~~(13)~~ "Physical injury" means substantial physical pain or any impairment of physical condition;
- (16)** ~~(14)~~ "Possession" means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object;
- (17)** ~~(15)~~ "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ. For a child twelve (12) years of age or less at the time of the injury, a serious physical injury includes but is not limited to the following:
- (a) Bruising near the eyes, or on the head, neck, or lower back overlying the kidneys;
  - (b) Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;
  - (c) Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;
  - (d) Any testicular injury sufficient to put fertility at risk;
  - (e) Any burn near the eyes or involving the mouth, airway, or esophagus;
  - (f) Any burn deep enough to leave scarring or dysfunction of the body;
  - (g) Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital's intensive care unit;
  - (h) Rib fracture;
  - (i) Scapula or sternum fractures;
  - (j) Any broken bone that requires surgery;

- (k) Head injuries that result in intracranial bleeding, skull fracture, or brain injury;
- (l) A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;
- (m) Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;
- (n) Any injury requiring surgery;
- (o) Any injury that requires a blood transfusion; and
- (p) Any injury requiring admission to a hospital's critical care unit;

**(18)** ~~(16)~~ "Unlawful" means contrary to law or, where the context so requires, not permitted by law. It does not mean wrongful or immoral;

**(19)** ~~(17)~~ "Violation" means an offense, other than a traffic infraction, for which a sentence to a fine only can be imposed; and

**(20)** ~~(18)~~ "Weapon of mass destruction" means:

- (a) Any destructive device as defined in KRS 237.030, but not fireworks as defined in KRS 227.700;
- (b) Any weapon that is designed or intended to cause death or serious physical injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;
- (c) Any weapon involving a disease organism; or
- (d) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

***Section 2. KRS 508.025 is amended to read as follows:***

**KRS 508.025**

- (1) A person is guilty of assault in the third degree when the actor:
  - (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to:
    1. A state, county, city, or federal peace officer;
    2. An employee of a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or

adjudicated delinquent because of a public offense or as a youthful offender;

3. An employee of the Department for Community Based Services employed as a social worker to provide direct client services, if the event occurs while the worker is performing job-related duties;
  4. Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A, if the event occurs while personnel are performing job-related duties;
  5. A paid or volunteer member of an organized fire department, if the event occurs while the member is performing job-related duties;
  6. Paid or volunteer rescue squad personnel affiliated with the Division of Emergency Management of the Department of Military Affairs or a local disaster and emergency services organization pursuant to KRS Chapter 39F, if the event occurs while personnel are performing job-related duties;
  7. A probation and parole officer;
  8. A transportation officer appointed by a county fiscal court or legislative body of a consolidated local government, urban-county government, or charter government to transport inmates when the county jail or county correctional facility is closed while the transportation officer is performing job-related duties;
  9. A public or private elementary or secondary school or school district classified or certified employee, school bus driver, or other school employee acting in the course and scope of the employee's employment;  
or
  10. A public or private elementary or secondary school or school district volunteer acting in the course and scope of that person's volunteer service for the school or school district;
- (b) Being a person confined in a detention facility, or a juvenile in a state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender, inflicts physical injury upon or throws or causes feces, or urine, or other bodily fluid to be thrown upon an employee of the facility; or
- (c) Intentionally causes a person, whom the actor knows or reasonably should know to be a peace officer discharging official duties, to come into contact with saliva,



vomit, mucus, blood, seminal fluid, urine, or feces without the consent of the peace officer.

- (2) (a) For **a violation** ~~violations~~ of subsection (1)(a) and ~~(b)~~ of this section, assault in the third degree is a Class D felony, ***unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.***
- (b) ***For a violation of subsection (1)(b) of this section, assault in the third degree is a Class D felony.***
- (c) For violations of subsection (1)(c) of this section, assault in the third degree is a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood, seminal fluid, urine, or feces from an adult who knows that he or she has a serious communicable disease and competent medical or epidemiological evidence demonstrates that the specific type of contact caused by the actor is likely to cause transmission of the disease or condition, in which case it is a Class A misdemeanor.
- (d) ~~(e)~~ As used in paragraph (c)(b) of this subsection, "serious communicable disease" means a non-airborne disease that is transmitted from person to person and determined to have significant, long-term consequences on the physical health or life activities of the person infected.

**Section 3. KRS 511.020 is amended to read as follows:**

**KRS 511.020**

- (1) A person is guilty of burglary in the first degree when, with the intent to commit a crime, he ***or she*** knowingly enters or remains unlawfully in a building, and when in effecting entry or while in the building or in the immediate flight therefrom, he ***or she*** or another participant in the crime:
- (a) Is armed with explosives or a deadly weapon; or
- (b) Causes physical injury to any person who is not a participant in the crime; or
- (c) Uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.
- (2) Burglary in the first degree is a Class B felony, ***unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A felony.***

**Section 4. KRS 511.030 is amended to read as follows:**

**KRS 511.030**

- (1) A person is guilty of burglary in the second degree when, with the intent to commit a crime, he **or she** knowingly enters or remains unlawfully in a dwelling.
- (2) Burglary in the second degree is a Class C felony, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B felony.

**Section 5. KRS 511.040 is amended to read as follows:**

**KRS 511.040**

- (1) A person is guilty of burglary in the third degree when, with the intent to commit a crime, he or she knowingly enters or remains unlawfully in a building.
- (2) Burglary in the third degree is a Class D felony, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.**

**Section 6. KRS 511.060 is amended to read as follows:**

**KRS 511.060**

- (1) A person is guilty of criminal trespass in the first degree when he **or she** knowingly enters or remains unlawfully in a dwelling.
- (2) Criminal trespass in the first degree is a Class A misdemeanor, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class D felony.**

**Section 7. KRS 511.070 is amended to read as follows:**

**KRS 511.070**

- (1) A person is guilty of criminal trespass in the second degree when he or she knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.
- (2) Criminal trespass in the second degree is a Class B misdemeanor, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A misdemeanor.**

**Section 8. KRS 511.080 is amended to read as follows:**

**KRS 511.080**

- (1) A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.
- (2) Criminal trespass in the third degree is a violation, ***unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B misdemeanor.***

**Section 9. KRS 512.020 is amended to read as follows:**

**KRS 512.020**

- (1) A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she intentionally or wantonly:
  - (a) Defaces, destroys, or damages any property causing pecuniary loss of one thousand dollars (\$1,000) or more;
  - (b) Tamper with the operations of a key infrastructure asset, as defined in KRS 511.100, in a manner that renders the operations harmful or dangerous; or
  - (c) As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of one thousand dollars (\$1,000) or more.
- (2) Criminal mischief in the first degree is a Class D felony, ***unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.***

**Section 10. KRS 512.030 is amended to read as follows:**

**KRS 512.030**

- (1) A person is guilty of criminal mischief in the second degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she:
  - (a) Intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000); or
  - (b) As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000).

- (2) Criminal mischief in the second degree is a Class A misdemeanor, ***unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class D felony.***

**Section 11. KRS 512.040 is amended to read as follows:**

**KRS 512.040**

- (1) A person is guilty of criminal mischief in the third degree when:
- (a) Having no right to do so or any reasonable ground to believe that he or she has such right, he or she intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of less than five hundred dollars (\$500);
  - (b) He or she tampers with property so as knowingly to endanger the person or property of another; or
  - (c) He or she as a tenant, and having no right to do so or any reasonable grounds to believe that he or she has such right, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of less than five hundred dollars (\$500).
- (2) Criminal mischief in the third degree is a Class B misdemeanor, ***unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A misdemeanor.***

**Section 12. KRS 514.030 is amended to read as follows:**

**KRS 514.030**

- (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by unlawful taking or disposition when he ***or she*** unlawfully:
- (a) Takes or exercises control over movable property of another with intent to deprive him ***or her*** thereof; or
  - (b) Obtains immovable property of another or any interest therein with intent to benefit himself ***or herself*** or another not entitled thereto.
- (2) Theft by unlawful taking or disposition is a Class B misdemeanor unless:
- (a) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony;
  - (b) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this

section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense;

- (c) The property is one (1) or more controlled substances valued collectively at less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
  - (d) The value of the property is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
  - (e) The value of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
  - (f) The person has three (3) or more convictions under paragraph (d) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered;
  - (g) The value of the property is ten thousand dollars (\$10,000) or more but less than one million dollars (\$1,000,000), in which case it is a Class C felony;
  - (h) The value of the property is one million dollars (\$1,000,000) or more but less than ten million dollars (\$10,000,000), in which case it is a Class B felony; or
  - (i) The value of the property is ten million dollars (\$10,000,000) or more, in which case it is a Class B felony; **or**
  - (j) **The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.**
- (3) Any person convicted under subsection (2)(i) of this section shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed, any statute to the contrary notwithstanding.
- (4) If any person commits two (2) or more separate offenses of theft by unlawful taking or disposition within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

**Section 13. KRS 514.040 is amended to read as follows:**

**KRS 514.040**

- (1) A person is guilty of theft by deception when the person obtains property or services of another by deception with intent to deprive the person thereof. A person deceives when the person intentionally:
  - (a) Creates or reinforces a false impression, including false impressions as to law, value, intention, or other state of mind;
  - (b) Prevents another from acquiring information which would affect judgment of a transaction;
  - (c) Fails to correct a false impression which the deceiver previously created or reinforced or which the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship;
  - (d) Fails to disclose a known lien, adverse claim, or other legal impediment to the enjoyment of property which the person transfers or encumbers in consideration for the property obtained, whether the impediment is or is not valid or is or is not a matter of official record; or
  - (e) Issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.
- (2) The term "deceive" does not, however, include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed.
- (3) Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he or she did not subsequently perform the promise.
- (4) For purposes of subsection (1) of this section, a maker of a check or similar sight order for the payment of money is presumed to know that the check or order, other than a postdated check or order, would not be paid, if:
  - (a) The maker had no account with the drawee at the time the check or order was issued; or
  - (b) Payment was refused by the drawee for lack of funds, upon presentation within thirty (30) days after issue, and the maker failed to make good within ten (10) days after receiving notice of that refusal. Notice of the refusal may include a citation to this section and a description of this section's criminal penalties and shall be deemed properly addressed when mailed to the address printed or written on the check or sight order or provided by the drawer or maker upon issuance of the check or sight order. The notice, if mailed, shall be deemed received by the addressee seven (7) days after it is placed in the United States mail. The notice may be sent by first-class mail if supported by an affidavit of service setting out the contents of the notice, the address to which the notice

was mailed, that correct postage was applied, and the date the notice was placed in the United States mail. A maker makes good on a check or similar sight order for the payment of money by paying to the holder the face amount of the instrument, together with any merchant's posted bad check handling fee not to exceed fifty dollars (\$50) and any fee imposed pursuant to subsection (5) of this section.

- (5) If a county attorney issues notice to a maker that a drawee has refused to honor an instrument due to a lack of funds as described in subsection (4)(b) of this section, the county attorney may charge a fee to the maker of fifty dollars (\$50), if the instrument is paid. Money paid to the county attorney pursuant to this section shall be used only for payment of county attorney office operating expenses. Excess fees held by the county attorney on June 30 of each year shall be turned over to the county treasurer before the end of the next fiscal year for use by the fiscal court of the county.
- (6) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of any tax payable to the Commonwealth knowing that it will not be honored by the drawee.
- (7) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of a child support obligation knowing that it will not be honored by the drawee.
- (8) Theft by deception is a Class B misdemeanor unless:
  - (a) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
  - (b) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
  - (c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of convictions were entered; or
  - (d) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony: *or*

**(e) The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.**

(9) If any person commits two (2) or more separate offenses of theft by deception within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

**Section 14. KRS 514.110 is amended to read as follows:**

**KRS 514.110**

- (1) A person is guilty of receiving stolen property when he or she receives, retains, or disposes of movable property of another knowing that it has been stolen, or having reason to believe that it has been stolen, unless the property is received, retained, or disposed of with intent to restore it to the owner.
- (2) The possession by any person of any recently stolen movable property shall be prima facie evidence that such person knew such property was stolen.
- (3) Receiving stolen property is a Class B misdemeanor unless:
  - (a) The value of the property is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
  - (b) The value of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
  - (c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered;
  - (d) The value of the property is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony;
  - (e) The property is a firearm, regardless of the value of the firearm, in which case it is a Class D felony; or
  - (f) The property is anhydrous ammonia, regardless of the value of the ammonia, in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS



218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense; **or**

**(g) The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.**

- (4) If any person commits two (2) or more separate offenses of receiving stolen property within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

**Section 15. KRS 515.020 is amended to read as follows:**

**KRS 515.020**

- (1) A person is guilty of robbery in the first degree when, in the course of committing theft, he **or she** uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft and when he **or she**:
- (a) Causes physical injury to any person who is not a participant in the crime; or
  - (b) Is armed with a deadly weapon; or
  - (c) Uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.
- (2) Robbery in the first degree is a Class B felony, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A felony.**

**Section 16. KRS 515.030 is amended to read as follows:**

**KRS 515.030**

- (1) A person is guilty of robbery in the second degree when, in the course of committing theft, he or she uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft.
- (2) Robbery in the second degree is a Class C felony, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B felony.**

**Section 17. KRS 61.168 is amended to read as follows:**

**KRS 61.168**

- (1) As used in this section:
  - (a) "Body-worn camera" means a video or audio electronic recording device that is carried by or worn on the body of a public safety officer. This definition does not include a dashboard mounted camera or recording device used in the course of clandestine investigations;
  - (b) "Body-worn camera recording" or "recording" means a video or audio recording, or both, that is made by a body-worn camera during the course of a public safety officer's official duties;
  - (c) "Personal representative" means a court-appointed guardian, attorney, or agent possessing written authorization to act on behalf of a person that is involved in an incident contained in a body-worn camera recording, a person holding a power of attorney for a person that is involved in an incident contained in a body-worn camera recording, or the parent or guardian of a minor child depicted in a body-worn camera recording. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person, the deceased person's surviving spouse, parent, or adult child, the deceased person's attorney, or the parent or guardian of a surviving minor child of the deceased;
  - (d) "Public agency" has the same meaning as in KRS 61.870(1);
  - (e) "Public safety officer" means any individual that is an employee of a public agency who is certified as a first responder under KRS Chapter 311A or whose employment duties include law enforcement or firefighting activities; and
  - (f) "Use of force" means any action by a public safety officer that results in death, physical injury as defined in KRS 500.080 ~~(13)~~, discharge of a personal body weapon, chemical agent, impact weapon, extended range impact weapon, sonic weapon, sensory weapon, conducted energy weapon, or a firearm, or involves the intentional pointing of a public safety officer's firearm at a member of the public.
- (2) Except as provided in this section, the disclosure of body-worn camera recordings shall be governed by the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884.
- (3) The retention of body-worn camera video recordings shall be governed by KRS 171.410 to 171.740, and the administrative regulations promulgated by the Kentucky Department of Libraries and Archives.

- (4) Notwithstanding KRS 61.878(4), unless the request meets the criteria provided under subsection (5) of this section, a public agency may elect not to disclose body-worn camera recordings containing video or audio footage that:
- (a) Includes the interior of a place of a private residence where there is a reasonable expectation of privacy, unless the legal owner or lessee with legal possession of the residence requests in writing that the release be governed solely under the provisions of KRS 61.870 to 61.884;
  - (b) Includes the areas inside of a medical facility, counseling, or therapeutic program office where a patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment;
  - (c) Would disclose health care information shared with patients, their families, or with a patient's care team or that is considered protected health information under the Health Insurance Portability and Accountability Act of 1996;
  - (d) Includes the areas inside of a correctional facility when disclosure would reveal details of the facility that would jeopardize the safety, security, or well-being of those in custody, the staff of the correctional facility, or law enforcement officers;
  - (e) Is of a sexual nature or video footage that contains nude images of an individual's genitals, pubic area, anus, or the female nipple;
  - (f) Is of a minor child, including but not limited to footage involving juvenile custody matters;
  - (g) Includes the body of a deceased individual;
  - (h) Would reveal the identity of witnesses, confidential law enforcement informants, or undercover law enforcement officers, or if the release could jeopardize the safety, security, or well-being of a witness or confidential informant;
  - (i) Would reveal the location information of a domestic violence program or emergency shelter;
  - (j) Would reveal information related to schools, colleges, and universities that is protected by the federal Family Educational Rights and Privacy Act;
  - (k) Would result in the disclosure of nonpublic or confidential data classified as Criminal Justice Information Services data by the Federal Bureau of Investigation;

- (l) Includes a public safety officer carrying out duties directly related to the hospitalization of persons considered mentally ill;
  - (m) Includes the depiction of the serious injury or death of a public safety officer; or
  - (n) Includes footage made in conjunction with a law enforcement exercise that includes special response team actions, hostage negotiations, or training events, but only where the public release of tactics, operational protocol, or methodology would disadvantage the capability of public safety officers to successfully respond in emergency or other dangerous situations.
- (5) If the recording contains video or audio footage that:
- (a) Depicts an encounter between a public safety officer where there is a use of force, the disclosure of the record shall be governed solely by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein;
  - (b) Depicts an incident which leads to the detention or arrest of an individual or individuals, the disclosure of the record shall be governed solely by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein;
  - (c) Depicts an incident which is the subject of a formal complaint submitted against a public safety officer under KRS 15.520, 67C.326, or 95.450, or depicts an incident which is the subject of a formal legal or administrative complaint against the agency employing the public safety officer, the release of the record shall be governed by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein; or
  - (d) Is requested by a person or other entity or the personal representative of a person or entity that is directly involved in the incident contained in the body-worn camera recording, it shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, but the public agency shall not be required to make a copy of the recording except as provided in KRS 61.169. The requesting parties shall not be limited in the number of times they may view the recording under this paragraph.
- (6) Nothing in this section or KRS 61.169 shall be interpreted to override any provision related to:
- (a) Reports by law enforcement officers and criminal justice agencies under KRS 17.150;
  - (b) The law and rules governing discovery or the submission and display of evidence in any court proceeding, whether criminal or civil, or any administrative proceeding; or

- (c) The provisions of KRS 189A.100.

**Section 18. KRS 61.912 is amended to read as follows:**

**KRS 61.912**

Any duly commissioned special law enforcement officer shall, while performing law enforcement duties upon the public property he *or she* is hired to protect, be empowered to arrest:

- (1) Persons committing, in his *or her* presence and upon the public property he *or she* is hired to protect, any misdemeanor, any traffic violation, or any other violation as defined by KRS 500.080(17);
- (2) Provided there exists probable cause to believe a felony has been committed upon the premises he *or she* is hired to protect, any person whom the officer reasonably and actually believes to have committed such felony upon the public property.

**Section 19. KRS 61.914 is amended to read as follows:**

**KRS 61.914**

Duly commissioned special law enforcement officers shall have the power to issue tickets for parking violations committed upon the public property in their presence and the power of peace officers under KRS 431.015 to issue citations for misdemeanors, and other violations as defined by KRS 500.080 ~~(17)~~, committed in their presence upon the public property.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 151 (SB 179).

**SENATE BILL 245 – PROTECTIVE ORDERS**

**Section 1. KRS 403.740 is amended to read as follows:**

**KRS 403.740**

- (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:
  - (a) Restraining the adverse party from:
    1. Committing further acts of domestic violence and abuse;

2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
5. Disposing of or damaging any of the property of the parties;

**(b) Authorizing, at the request of the petitioner:**

1. ***Limited contact or communication between the parties that the court finds necessary; or***
2. ***The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.***

***Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;***

~~(c)(b)~~ Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;

~~(d)(c)~~ Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and

~~(e)(d)~~ Additionally, if applicable:

1. Directing the adverse party to vacate a residence shared by the parties to the action;
2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315; and
3. Utilizing the criteria set forth in KRS 403.211, 403.212, and 403.213, award temporary child support.

- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
  - (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
  - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
  - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
  - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.
- (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

***Section 2. KRS 403.730 is amended to read as follows:***

**KRS 403.730**

- (1) (a) The court shall review a petition for an order of protection immediately upon its filing. If the review indicates that domestic violence and abuse exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future. If the review indicates that such a basis does not exist, the court may consider an amended petition or dismiss the petition without prejudice.

- (b) Service of the summons and hearing order under this subsection shall be made upon the adverse party personally and may be made in the manner and by the persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil Procedure. A summons may be reissued if service has not been made on the adverse party by the fixed court date and time.
- (2) (a) If the review under this section also indicates the presence of an immediate and present danger of domestic violence and abuse, the court shall, ***upon the filing of the petition*** ~~upon proper motion~~, issue ex parte an emergency protective order that:
1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 403.740, other than awarding temporary support or counseling;
  2. ***Sets forth which communications, if any, as requested by the petitioner, are authorized and which communications are unauthorized;***
  3. ***Allows either party to retrieve his or her personal belongings from the parties' shared residence and directs law enforcement to assist, if requested;***
  4. ***Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court; and***
  5. ~~3.~~ Does not order or refer the parties to mediation unless requested by the petitioner, and the court finds that:
    - a. The petitioner's request is voluntary and not the result of coercion; and
    - b. Mediation is a realistic and viable alternative to or adjunct to the issuance of an order sought by the petitioner.
- Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner.***
- (b) If an order is not issued under this subsection, the court shall note on the petition, for the record, any action taken or denied and the reason for it.

***Section 3. KRS 456.060 is amended to read as follows:***



**KRS 456.060**

(1) Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:

(a) Restraining the adverse party from:

1. Committing further acts of dating violence and abuse, stalking, or sexual assault;
2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
5. Disposing of or damaging any of the property of the parties;

**(b) *Authorizing, at the request of the petitioner:***

1. ***Limited contact or communication between the parties that the court finds necessary; or***
2. ***The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.***

***Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;***

~~(c)~~(b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of dating violence and abuse, stalking, or sexual assault, except that the court shall not order the petitioner to take any affirmative action; and

~~(d)~~(c) Directing that either or both of the parties receive counseling services available in the community in dating violence and abuse cases.

(2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:

- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
  - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
  - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
  - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

**Section 4. KRS 456.040 is amended to read as follows:**

**KRS 456.040**

- (1) (a) The court shall review a petition for an interpersonal protective order immediately upon its filing. If the review indicates that dating violence and abuse, stalking, or sexual assault exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future. If the review indicates that such a basis does not exist, the court may consider an amended petition or dismiss the petition without prejudice.
  - (b) Service of the summons and hearing order under this subsection shall be made upon the adverse party personally and may be made in the manner and by the persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil Procedure. A summons may be reissued if service has not been made on the adverse party by the fixed court date and time.
- (2) (a) If the review under this section also indicates the presence of an immediate and present danger of dating violence and abuse, sexual assault, or stalking, the court shall, ***upon the filing of the petition*** ~~upon proper motion~~, issue ex parte a temporary interpersonal protective order that:
- 1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 456.060;

2. ***Sets forth which communications, if any, as requested by the This IS petitioner, are authorized and which communications are unauthorized;***
3. Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court; and
- 4.3- Does not order or refer the parties to mediation unless requested by the petitioner, and the court finds that:
  - a. The petitioner's request is voluntary and not the result of coercion; and
  - b. Mediation is a realistic and viable alternative to or adjunct to the issuance of an order sought by the petitioner.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner.

- (b) If an order is not issued under this subsection, the court shall note on the petition, for the record, any action taken or denied and the reason for it.

Signed by Governor – April 8, 2022  
2022 Kentucky Acts Chapter 143 (SB 245).

## HOUSE BILL 48 – EMERGENCY RESPONSES<sup>2</sup>

***Section 1. KRS 519.010 is amended to read as follows:***

### **KRS 519.010**

The following definitions apply in this chapter unless the context otherwise requires:

- (1) ***"Benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary;***
- (2) ***"Emergency response" means a response by two (2) or more first responders to a reported incident that:***

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<sup>2</sup> Editor's Note: Section 4 of this enacted legislation has been omitted because this section has no relevance for law enforcement.

- (a) *Is of such an emergent nature that the exemptions provided under KRS 189.940 would apply; and*
  - (b) *Jeopardizes or could jeopardize public safety;*
- (3) **"First responder" means:**
- (a) *Peace officer;*
  - (b) *Fire personnel;*
  - (c) *Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A; or*
  - (d) *Private not-for-profit organization personnel providing fire, rescue, or emergency medical services;*
- (4) "Governmental function" means any activity which a public servant is legally authorized to undertake on behalf of the governmental unit which he **or she** serves;
- ~~(5)(2)~~ "Public record" includes all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, magnetic or electronic images, optical images or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, received or retained by a public agency. "Public record" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs, or operations funded by state or local authority;
- ~~(6)(3)~~ "Public servant" means:
- (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state;
  - (b) Any person exercising the functions of any such public officer or employee;
  - (c) Any person participating as advisor, consultant, or otherwise in performing a governmental function, but not including witnesses; or
  - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position ;

~~(4) As used in this chapter, "benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary].~~

**Section 2. KRS 519.040 is amended to read as follows:**

**KRS 519.040**

- (1) A person is guilty of falsely reporting an incident when ***the person*** ~~he~~:
- (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property, ***and the false report results in an emergency response***; or
  - (b) Reports to law enforcement authorities an offense or incident within their official concern knowing that it did not occur; or
  - (c) Furnishes law enforcement authorities with information allegedly relating to an offense or incident within their official concern when ***the person*** ~~he~~ knows he ***or she*** has no information relating to such offense or incident; or
  - (d) Knowingly gives false information to any law enforcement officer with intent to implicate another; or
  - (e) Initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire or other emergency under circumstances likely to cause public inconvenience or alarm when the person ***he*** knows the information reported, conveyed, or circulated is false or baseless, ***and the false report results in an emergency response***.
- (2) ***(a)*** Falsely reporting an incident ***under subsection (1)(b), (c), or (d) of this section*** is a Class A misdemeanor.
- (b)*** ***Falsely reporting an incident under subsection (1)(a) or (e) of this section is a Class D felony.***
- (3) ***Any violation under this section may be prosecuted in any county where:***
- (a) The defendant resides;***

***(b) The false report was communicated; or***

***(c) There was an emergency response to the false report.***

***(4) (a) The court, in imposing a sentence on a defendant who has been convicted of any offense under this section, shall order restitution to:***

***1. Any agency or organization for the reasonable costs of the emergency response incurred by that agency or organization resulting from the false report; and***

***2. Any person who suffered damages caused by the agency or organization that provided an emergency response.***

***(b) An order of restitution under this subsection shall, for the purpose of enforcement, be treated as a civil judgment.***

**SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:**

***(1) In addition to any restitution ordered by the court under subsection (4) of Section 2 of this Act, any person who suffers harm as a result of a violation of subsection (1)(a) or (e) of Section 2 of this Act may recover damages in a civil cause of action against the alleged perpetrator, including but not limited to damages for infliction of emotional distress, compensatory and punitive damages, court costs, and reasonable attorney's fees.***

***(2) The action may be filed in a court of competent jurisdiction for the county in which the alleged violation occurred or the plaintiff resides.***

***(3) An individual found liable under this section shall be jointly and severally liable with each other person, if any, found liable under this section for the damages arising from the same violation of Section 2 of this Act.***

Signed by Governor – April 8, 2022  
2022 Kentucky Acts Chapter 148 (HB 48).

**HOUSE BILL 63 – SCHOOL SECURITY**

**Section 1. KRS 158.4414 is amended to read as follows:**

- (1) Local boards of education, school district superintendents, administrators of state-controlled facilities, and local and state law enforcement agencies shall cooperate to assign, **by August 1, 2022**, one (1) or more certified school resource officers to serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis [as funds and qualified personnel become available].
- (2) ***Local boards of education shall ensure, for each campus in the district, that at least one (1) certified school resource officer is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the local board of education shall fulfill the requirements of this subsection on a per campus basis, as approved in writing by the state school security marshal, until a certified school resource officer is assigned to and working on-site full-time on each campus in the district.***
- (3) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.
- ~~(4)~~(3) Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.
- ~~(5)~~(4) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.
- ~~(6)~~(5) On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish three (3) levels of training for certification of school resource officers first employed as a school resource officer on or after March 11, 2019: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty

(40) hours of training, with SRO I to be completed within one (1) year of the date of the officer's employment and SRO II and SRO III within the subsequent two (2) years.

~~(7)(6)~~ Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:

- (a) Foundations of school-based law enforcement;
- (b) Threat assessment and response;
- (c) Youth drug use and abuse;
- (d) Social media and cyber security;
- (e) School resource officers as teachers and mentors;
- (f) Youth mental health awareness;
- (g) Diversity and bias awareness training;
- (h) Trauma-informed action;
- (i) Understanding students with special needs; and
- (j) De-escalation strategies.

~~(8)(7)~~ Effective January 1, 2020, all school resource officers with active school resource officer certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for school resource officers.

~~(9)(8)~~ In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the Department of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.

~~(10)(9)~~ Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer serve in the capacity of a school resource officer in a school.

~~(11)(10)~~ When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer's employing agency.

~~(12)(11)~~ A school resource officer who has lost school resource officer certification due solely to the officer's failure to meet the training requirements of this section may regain



certification status as a school resource officer and may resume service in the capacity of a school resource officer in a school setting upon successful completion of the training deficiency.

~~(13)~~(12) No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.

**(14) *Nothing in this section shall be interpreted or construed to require a local government or any of its agencies or offices to fund the school resource officer positions required of local boards of education under this section. For purposes of this subsection, "local government" has the same meaning as in KRS 65.8840.***

**SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:**

***Pursuant to the authority granted to them under KRS 160.160 and 160.290, local boards of education are authorized to establish a police department for local school districts, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the school district, and designate and operate emergency vehicles. Police officers appointed under this section shall take an appropriate oath of office in the form and manner consistent with the Constitution of Kentucky. Police officers appointed pursuant to this section shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380(1)(e).***

**SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:**

**(1) *Police officers appointed by the local board of education pursuant to Section 2 of this Act shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the local board of education authorizing and employing them. Without limiting the generality of the foregoing, such police officers are hereby specifically authorized and empowered, and it shall be their duty:***

**(a) *To preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on all property owned by or being used by the school district for appropriate educational services and extracurricular activities, and to protect all persons and property located thereon from injury, harm, and damage;***

- (b) If permitted by and in accordance with local board of education policy, to enforce, and to assist the school district in the enforcement of, the lawful rules, regulations, and code of conduct of the school district; and**
- (c) To assist and cooperate with other law enforcement agencies and officers.**

**Provided, however, that such police officers shall exercise the powers herein granted upon any real property owned or occupied by the local board of education, including any streets passing through and adjacent thereto. Said powers may be exercised where the local board of education owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.**

- (2) Police officers may exercise their powers away from the locations described in subsection (1) of this section only when:**
  - (a) In immediate pursuit of an actual or suspected violator of the law;**
  - (b) Authorized to do so pursuant to the agreement authorized by subsection (1) of this section;**
  - (c) Requested to act by the chief of police of the city or county in which the school district's property is located;**
  - (d) Requested to act by the sheriff of the county in which the school district's property is located;**
  - (e) Requested to act by the commissioner of the Department of Kentucky State Police;**
  - (f) Requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d), or (e) of this subsection;**
  - (g) Requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties; or**
  - (h) Operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.**
- (3) Police officers appointed pursuant to Section 2 of this Act shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided the investigation relates to criminal offenses which**

*occurred on property owned, leased, or controlled by the employing school district. At the discretion of the local school board's police officials, the school board's police department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.*

- (4) Police departments created and operated by the local board of education shall for all purposes, be deemed public police departments, and its sworn police officers are deemed public police officers.*
- (5) Nothing in Sections 2 to 8 of this Act shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable, or other peace officer, either on the property of a local school district or otherwise.*

**SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:**

*All persons appointed as police officers pursuant to Section 2 of this Act shall, at the time of their employment:*

- (1) Comply with the requirements of KRS 61.300; and*
- (2) Possess whatever other requirements as may be set by the local board of education which employs them.*

**SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:**

*The local board of education may provide for the appointment or promotion to the ranks and grades and positions of the department officers and civilians as are considered by the board to be necessary for the efficient administration of the department. The officers and civilians shall receive compensation as shall be fixed and paid by the board.*

**SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:**

- (1) Vehicles used for emergency purposes by the police department of a school district shall be considered emergency vehicles, be equipped with blue lights and sirens, and be operated in conformance with the requirements of KRS Chapter 189.*
- (2) Police officers directly employed by the board of education of a local school district pursuant to Section 2 of this Act shall have the rights accorded to peace officers provided under KRS 527.020.*
- (3) Police departments established by boards of education may install, maintain, and operate radio systems on police or other radio frequencies under licenses issued by the*

***Federal Communications Commission, or its successor, KRS 432.570 to the contrary notwithstanding.***

- (4) *Police departments of local school districts shall comply with the requirements of the Kentucky Revised Statutes and the Justice and Public Safety Cabinet with regard to reporting of criminal and other statistics.***

**SECTION 7. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:**

- (1) *Each board of education of a local school district, having the power and authority to govern and control the method and purpose of use of property owned or occupied by its respective local school district, including travel over that property, is hereby confirmed in its authority to regulate the traffic and parking of motor vehicles, bicycles, or other vehicles as well as the traffic of pedestrians on, over, and across the streets, roads, paths, and grounds of real property owned, used, or occupied by the local school district. The regulations applicable to traffic and parking may include but are not limited to the following provisions:***
- (a) *Provisions governing the registration, speed, operation, parking and times, places, and manner of use of motor vehicles, bicycles, and other vehicles;***
- (b) *Provisions prescribing penalties for the violation of those regulations, which penalties may include the imposition of reasonable charges, the removing and impounding, at the expense of the violator, of vehicles which are operated or parked in violation of the regulations, and the denial of permission to operate vehicles on the property of the local school district; and***
- (c) *Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by the local school district. Provided, however, that nothing in this section shall be deemed to limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys, or ways.***
- (2) *Motor vehicle moving violations of regulations issued under this section shall be deemed violations of the appropriate equivalent sections of the motor vehicle laws of the Commonwealth and may be prosecuted in the courts having territorial jurisdiction over the physical location of the offense.***

**SECTION 8. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:**

***No person shall falsely represent himself or herself to be a police officer, agent, or employee of a police department of a local school district and in that assumed character arrest or detain, search, or question, in any manner the person or property of any person, nor shall any***

***person without the authority of the board of education of the local school district wear the official uniform, insignia, badge, or identification of the department.***

**Section 9. KRS 158.441 is amended to read as follows:**

As used in this chapter, unless the context requires otherwise:

- (1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;
- (2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;
- (3) "School activities" means official school functions held on school property, including student attendance days as defined in KRS 158.070, athletic events, and graduation;
- (4) "School property" means any public school building, public school vehicle, public school campus, grounds, recreational area, or athletic field in the charge of the school district;
- (5) "School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site as described in KRS 158.4414, who has specialized training to work with youth at a school site pursuant to KRS 158.4414, and who is:
  - (a)
    1. A sworn law enforcement officer; ~~or~~
    2. A special law enforcement officer appointed pursuant to KRS 61.902; **or**  
~~and~~
    3. ***A police officer appointed pursuant to Section 2 of this Act; and***
  - (b) Employed:

1. Through a contract between a local law enforcement agency and a school district;
  2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
  3. Directly by a local board of education;
- (6) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters; and
- (7) "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 189 (HB 63).

## HOUSE BILL 79 – TELECOMMUNICATORS

### ***Section 1. KRS 15.518 is amended to read as follows:***

#### **KRS 15.518**

- (1) As used in this section, unless the context requires otherwise:
- (a) "Commissioner" means the commissioner of the department;
  - (b) "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
  - (c) "Fund" means the Law Enforcement Professional Development and Wellness Program fund established in subsection (8) of this section; and
  - (d) "Program" means the Law Enforcement Professional Development and Wellness Program established in this section.

- (2) The department shall develop a Law Enforcement Professional Development and Wellness Program.
- (3) The program shall use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes.
- (4) The program shall be offered to Kentucky law enforcement officers **and telecommunicators** at least two (2) times each calendar year.
- (5) On a limited basis, the program may be offered to law enforcement officers from states other than Kentucky upon application to and approval by the commissioner. However, no Kentucky law enforcement officer **or telecommunicator** officers may be denied admission to the program if law enforcement officers from another state are admitted to the program.
- (6) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:
  - (a) The required qualifications and duties of any person used by the department to implement or administer the program;
  - (b) The curriculum, programming, seminar type, and treatment modalities used in the program;
  - (c) The extent to which a **participant's** ~~participating officer's~~ relatives or friends may participate in seminars;
  - (d) The standards by which law enforcement officers from other states may be accepted into the program by the commissioner; and
  - (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal law enforcement agencies and officers in administering the program.
- (7) (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of an officer's **or telecommunicator's** participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who

possesses them. The participating officer *or telecommunicator* is the holder of the privilege.

- (b) The department may use anonymous data for research, statistical analysis, and educational purposes.
  - (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.
- (8)
- (a) There is hereby established in the State Treasury a restricted fund to be known as the Law Enforcement Professional Development and Wellness Program fund.
  - (b) The fund shall consist of moneys received from the Kentucky Law Enforcement Foundation Program fund established in KRS 15.430, grants, gifts, state appropriations, and federal funds.
  - (c) The fund shall be administered by the department.
  - (d) Amounts deposited in the fund shall be used only for administration of the program.
  - (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
  - (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
  - (g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.

***Section 2. KRS 15.550 is amended to read as follows:***

**KRS 15.550**

- (1) The basic course offered by the training program shall consist of ***no less than*** forty (40) hours of instruction or training and shall consist of subjects appropriate for the basic training of law enforcement telecommunicators in the technique of emergency services



communications. The Kentucky Law Enforcement Council shall approve all training curriculum and instructions.

- (2) As a portion of the basic course offered, all telecommunicators who receive or dispatch emergency medical service calls shall be trained in:
  - (a) Telephone cardiopulmonary resuscitation (T-CPR) utilizing nationally recognized emergency cardiovascular care guidelines. At a minimum this training shall incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only CPR instructions for callers, and continuing education as appropriate; **and**
  - (b) ***Recognizing the symptoms of post-traumatic stress disorder (PTSD). At a minimum, this training shall include guidelines for identifying the symptoms of PTSD and provide a resource guide of available services for treatment.***
- (3) Online training modules based on nationally recognized guidelines that at a minimum incorporate recognition protocols for out of hospital cardiac arrest and compression-only CPR shall be acceptable for telecommunicators who have not been through the training academies or who are not otherwise certified in these protocols.
- (4) ***The Kentucky Law Enforcement Council shall incorporate mental health training, with a primary focus on PTSD, into the telecommunicators training program and maintain a current resource list for all telecommunicators and their supervisors about the management and treatment of PTSD and work-induced stress.***

***Section 3. KRS 15.560 is amended to read as follows:***

#### **KRS 15.560**

- (1) No person shall receive an official appointment on a permanent basis as a law enforcement telecommunicator unless the person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to such person's satisfactory completion of a non-CJIS telecommunications academy. Every person who is employed after June 24, 2003, as a law enforcement telecommunicator by any law enforcement agency in this state, regardless of prior experience as a non-CJIS telecommunicator, shall forfeit his or her position as such unless, within twelve (12) months from the date of his or her employment, he or she satisfactorily completes the non-CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section for all law enforcement telecommunicators who are serving on July 15, 2006, and possess a

certificate of completion of an approved law enforcement telecommunicator basic training program.

- (2) All non-CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of eight (8) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council. ***Each in-service training course shall include a mental health component which highlights post-traumatic stress disorder and work-induced stress, including symptom recognition, treatment, and available resources.***
- (3) In the event of extenuating circumstances beyond the control of a non-CJIS telecommunicator that prevent completion of training within the time specified, the commissioner or the commissioner's designee may grant the non-CJIS telecommunicator an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- (4) A non-CJIS telecommunicator who fails to complete the training within a period of twelve (12) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

***Section 4. KRS 15.565 is amended to read as follows:***

**KRS 15.565**

- (1) No person shall receive an official appointment on a permanent basis as a CJIS telecommunicator unless that person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to that person's satisfactory completion of the CJIS telecommunications academy. Every person who is employed after July 15, 2006, as a CJIS telecommunicator shall forfeit his or her position as such unless, within six (6) months from the date of employment, that person satisfactorily completes the CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section and award a CJIS telecommunicator certificate for all CJIS telecommunicators who are serving on July 15, 2006, and have successfully completed the CJIS-full access course.
- (2) A non-CJIS telecommunicator who gains employment as a CJIS telecommunicator shall successfully complete the CJIS-full access course within six (6) months from the date of his or her employment. A non-CJIS telecommunicator whose employing agency initiates

the use of CJIS shall successfully complete the CJIS-full access course within six (6) months from the date that the agency initiates the use of CJIS.

- (3) All CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of eight (8) hours' duration, of which the number of hours shall not be changed by the Kentucky Law Enforcement Council, at a school certified or recognized by the council. ***Each in-service training course shall include a mental health component which highlights post-traumatic stress disorder and work-induced stress, including symptom recognition, treatment, and available resources.***
- (4) All CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete eight (8) hours of CJIS in-service training every two (2) years at a school certified or recognized by the Kentucky Law Enforcement Council.
- (5) Extensions of time in which to complete the training specified in this section may be granted by the commissioner of the Department of Kentucky State Police or the commissioner's designee.
- (6) A CJIS telecommunicator who fails to complete the training within a period of six (6) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

***Section 5. KRS 15.590 is amended to read as follows:***

**KRS 15.590**

- (1) KRS 15.530 to 15.590 shall be administered by the Kentucky Law Enforcement Council, which shall promulgate administrative regulations as necessary regarding training, in-service training, and telecommunications practices.
- (2) The Kentucky Law Enforcement Council may, by administrative regulations promulgated in accordance with KRS Chapter 13A, explicitly set the exact number at a different number of hours from that established in KRS 15.530 required for completion of the:
  - (a) Non-CJIS telecommunicators academy; and
  - (b) Telecommunications academy.

If the council sets an exact number of hours at a different number from that established in KRS 15.530 in an administrative regulation as set out in this subsection, it shall not further change the number of hours without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A to set the exact number of hours required for each of the academies.

- (3) Nothing in KRS 15.530 to 15.590 shall be interpreted to permit the Kentucky Law Enforcement Council to increase or decrease the eight (8) hours required to be completed by telecommunicators for in-service training as established in KRS 15.560(2) and 15.565(3) and (4).
- (4) ***The Kentucky Law Enforcement Council shall include mental health training and resources for posttraumatic stress disorder (PTSD) and work-induced stress during each in-service training for all telecommunicators.***
- (5) ***At the conclusion of each in-service training, a guideline for recognizing the symptoms of and available treatment resources for PTSD or work-induced stress shall be provided to all supervisors of telecommunicators.***
- (6) ***All telecommunicators shall have access to the Law Enforcement Professional Development and Wellness Program established in Section 1 of this Act.***

Section 6. This Act may be cited as the Lifeline's Act.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 128 (HB 79).

## **HOUSE BILL 127 – MENTAL HEALTH TREATMENT**

***Section 1. KRS 202A.0811 is amended to read as follows:***

### **KRS 202A.0811**

- (1) Proceedings for court-ordered assisted outpatient treatment of a person shall be initiated by the filing of a verified petition for that purpose in District Court.
- (2) The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)."

- (3) The petition shall be filed by a qualified mental health professional; peace officer; county attorney; Commonwealth's attorney; spouse, relative, friend, or guardian of the person concerning whom the petition is filed; or any other interested person.
- (4) The petition shall set forth:
  - (a) Petitioner's relationship to the respondent;
  - (b) Respondent's name, residence, and current location, if known;
  - (c) Petitioner's belief, including the factual basis therefor, that the respondent meets the criteria for court-ordered assisted outpatient treatment as set forth in KRS 202A.0817; and
  - (d) Whether, within five (5) days prior to the filing of the petition, the respondent has been **evaluated** ~~examined~~ by a qualified mental health professional to determine whether the respondent meets the criteria for court-ordered assisted outpatient treatment pursuant to KRS 202A.0815.
- (5) Upon receipt of the petition, the court shall examine the petitioner under oath as to the contents of the petition. If the petitioner is a qualified mental health professional, the court may dispense with the examination.
- (6) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the court that there is probable cause to believe the respondent should be court-ordered to assisted outpatient treatment, the court shall:
  - (a) Order the respondent to be **evaluated** ~~examined~~ without unnecessary delay by a qualified mental health professional to determine whether the respondent meets the criteria for court-ordered assisted outpatient treatment set forth in KRS 202A.0815, unless the court has already received the certified findings of such an **evaluation** ~~examination~~ conducted no earlier than five (5) days prior to the filing of the petition. The qualified mental health professional shall certify his or her findings **to the court** within seventy-two (72) hours **from receipt of the order**, excluding weekends and holidays; and
  - (b) Set a date for a hearing within six (6) days from the date of the **filing of the petition** ~~examination~~ under the provisions of this section, excluding weekends and holidays, to determine if the respondent should be court-ordered to assisted outpatient treatment.

- (7) If the court finds there is no probable cause to believe the respondent should be court-ordered to assisted outpatient treatment, the proceedings against the respondent shall be dismissed.

**Section 2. KRS 202A.0815 is amended to read as follows:**

**KRS 202A.0815**

No person shall be court-ordered to assisted outpatient mental health treatment unless the person:

- (1) ~~Has been involuntarily hospitalized pursuant to KRS 202A.051 at least two (2) times in the past twenty-four (24) months;~~
- ~~(2)~~ Is diagnosed with a serious mental illness;
- ~~(2)(3)~~ ***Has a history of repeated nonadherence with mental health treatment, which has:***
- (a) At least twice within the last forty-eight (48) months, been a significant factor in necessitating hospitalization or arrest of the person; or***
- (b) Within the last twenty-four (24) months, resulted in an act, threat, or attempt at serious physical injury to self or others;***
- (3)** Is unlikely to adequately adhere to outpatient treatment on a voluntary basis based on a qualified mental health professional's:
- (a) Clinical observation; ***and***
- (b) ~~Review of treatment history, including the person's prior history of repeated treatment nonadherence; and~~
- ~~(c)~~ Identification of specific characteristics of the person's clinical condition ***that significantly impair the person's ability to make and maintain a rational and informed decision as to whether to engage in outpatient treatment voluntarily*** described as anosognosia, or failure to recognize his or her diagnosis of serious mental illness; and
- (4) Is in need of court-ordered assisted outpatient treatment as the least restrictive alternative mode of treatment presently available and appropriate.

Signed by Governor March 25, 2022.  
2022 Kentucky Acts Chapter 32 (HB 127).

## HOUSE BILL 154 – DRIVING UNDER THE INFLUENCE – EMERGENCY

**Section 1. KRS 189A.085 is amended to read as follows:**

### **KRS 189A.085**

- (1) Unless a person has been issued an ignition interlock license under KRS 189A.340 or a hardship license under KRS 189A.410, a person who has been convicted of an offense under KRS 189A.010 **may** ~~shall~~ have the license plate or plates on all of the motor vehicles or motorcycles owned by him or her, either solely or jointly, impounded by the court of competent jurisdiction in accordance with the following procedures:
  - (a) ***Following a court order of impoundment of a license plate or plates*** ~~At the final sentencing hearing, or within forty-five (45) days thereafter,~~ the person shall physically surrender any and all license plate or plates currently in force on any motor vehicle or motorcycle owned either individually or jointly by him or her to the court ***at the final sentencing hearing, or within forty-five (45) days after the hearing. If the person fails to surrender his or her license plate or plates at the final sentencing hearing or within forty-five (45) days thereafter, the court may issue an order directing the sheriff or any other peace officer to seize the license plate or plates and to deliver any seized license plate or plates to the court.*** The order of the court suspending the license plate or plates shall not exceed the time for the suspension of the operator's license as specified in KRS 189A.070.
  - (b) The clerk of the court shall retain any surrendered plate or plates and ***then*** transmit all surrendered plate or plates to the Transportation Cabinet in the manner set forth by the Transportation Cabinet in administrative regulations promulgated by the Transportation Cabinet.
- (2) Upon application, the court may grant hardship exceptions to family members or other individuals affected by the surrender of any license plate or plates of any motor vehicle or motorcycle owned by the offender. Hardship exceptions may be granted by the court to the offender's family members or other affected individuals only if the family members or other affected individuals prove to the court's satisfaction that their inability to utilize the surrendered motor vehicles or motorcycles would pose an undue

hardship upon the family members or other affected individuals. Upon the court's granting of hardship exceptions, the clerk or the Transportation Cabinet as appropriate, shall return to the family members or other affected individuals the license plate or plates of the motor vehicles or motorcycles of the offender for their utilization. The offender shall not be permitted to operate a motor vehicle or motorcycle for which the license plate has been suspended or for which a hardship exception has been granted, unless the offender has been issued an ignition interlock license under KRS 189A.340 or a hardship license under KRS 189A.410.

- (3) If the license plate of a jointly owned vehicle is impounded, this vehicle may be transferred to a joint owner of the vehicle who was not the violator.
- (4) If the license plate of a motor vehicle is impounded, the vehicle may be transferred.

***Section 2. KRS 189A.103 is amended to read as follows:***

**KRS 189A.103**

The following provisions shall apply to any person who operates or is in physical control of a motor vehicle or a vehicle that is not a motor vehicle in this Commonwealth:

- (1) He or she has given his or her consent to one (1) or more tests of his or her blood, breath, and urine, or combination thereof, for the purpose of determining alcohol concentration or presence of a substance which may impair one's driving ability, if an officer has reasonable grounds to believe that a violation of KRS 189A.010(1) or 189.520(1) has occurred;
- (2) Any person who is dead, unconscious, or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn the consent provided in subsection (1) of this section, and the test may be given;
- (3) The breath, blood, and urine tests administered pursuant to this section shall be administered at the direction of a peace officer having reasonable grounds to believe the person has committed a violation of KRS 189A.010(1) or 189.520(1).
  - (a) Tests of the person's breath, blood, or urine, to be valid pursuant to this section, shall have been performed according to the administrative regulations promulgated by the secretary of the Justice and Public Safety Cabinet, and shall have been performed, as to breath tests, only after a peace officer has had the person under personal observation at the location of the test for a minimum of twenty (20) minutes.



- (b) All breath tests shall be administered by a peace officer holding a certificate as an operator of a breath analysis instrument, issued by the secretary of the Justice and Public Safety Cabinet or his or her designee;
- (4) A breath test shall consist of a test which is performed in accordance with the manufacturer's instructions ***or instructions adopted by the Department of Criminal Justice Training and approved by the manufacturer*** for the use of the instrument. The secretary of the Justice and Public Safety Cabinet shall keep available for public inspection ***and provide, upon request and without charge,*** copies of these manufacturer's instructions ***or instructions adopted by the Department of Criminal Justice Training and approved by the manufacturer*** for all models of breath testing devices in use by the Commonwealth of Kentucky;
- (5) When the preliminary breath test, breath test, or other evidence gives the peace officer reasonable grounds to believe there is impairment by a substance which is not subject to testing by a breath test, then blood or urine tests, or both, may be required in addition to a breath test, or in lieu of a breath test;
- (6) Only a physician, registered nurse, phlebotomist, medical technician, or medical technologist not otherwise prohibited by law can withdraw any blood of any person submitting to a test under this section; and
- (7) After the person has submitted to all alcohol concentration tests and substance tests requested by the officer, the person tested shall be permitted to have a person listed in subsection (6) of this section of his or her own choosing administer a test or tests in addition to any tests administered at the direction of the peace officer. Tests conducted under this section shall be conducted within a reasonable length of time. Provided, however, the nonavailability of the person chosen to administer a test or tests in addition to those administered at the direction of the peace officer within a reasonable time shall not be grounds for rendering inadmissible as evidence the results of the test or tests administered at the direction of the peace officer.

**Section 3. KRS 189A.104 is amended to read as follows:**

**KRS 189A.104**

- (1) The only alcohol or substance testing that is subject to refusal or enhancement of penalties provided for in this chapter is:

- (a) Breath analysis testing by ***an instrument*** ~~a machine~~ installed, tested, and maintained by the Commonwealth for that specific purpose at a police station or detention facility;
  - (b) Blood or urine testing at the request of the officer at a police station, detention facility, or medical facility; or
  - (c) Combination of tests required in paragraphs (a) or (b) of this subsection.
- (2) The results of any breath analysis by an instrument other than one specified in subsection (1) of this section shall be inadmissible in court.

***Section 4. KRS 189A.105 is amended to read as follows:***

**KRS 189A.105**

- (1) A person's refusal to submit to tests under KRS 189A.103 shall result in suspension of his or her driving privilege as provided in this chapter.
- (2) (a) At the time a breath, blood, or urine test is requested, the person shall be informed:
  - 1. That, if the person refuses to submit to such tests:
    - a. The fact of this refusal may be used against him or her in court as evidence of violating KRS 189A.010 and will result in suspension of his or her driver's license by the court at the time of arraignment; and
    - b. Is subsequently convicted of violating KRS 189A.010(1):
      - i. For a second or third time within a ten (10) year period, he or she will be subject to a mandatory minimum jail sentence which is twice as long as the mandatory minimum jail sentence imposed if he or she submits to the tests; and
      - ii. His or her license will be suspended by the Transportation Cabinet;
  - 2. That, if a test is taken:

- a. The results of the test may be used against the person in court as evidence of violating KRS 189A.010(1); and
    - b. The person has the right to have a test or tests of his or her blood performed by a person of his or her choosing described in KRS 189A.103 within a reasonable time of his or her arrest at the expense of the person arrested; and
  3. That although his or her license will be suspended, he or she may be eligible immediately for an ignition interlock license allowing him or her to drive during the period of suspension and, if he or she is convicted, he or she will receive a credit toward any other ignition interlock requirement arising from this arrest.
- (b) Nothing in this subsection shall be construed to prohibit a judge of a court of competent jurisdiction from issuing a search warrant or other court order requiring a blood or urine test, or a combination thereof, of a defendant charged with a violation of KRS 189A.010, or other statutory violation arising from the incident, ~~when a person is killed or suffers physical injury, as defined in KRS 500.080, as a result of the incident in which the defendant has been charged.~~ However, if the incident involves a motor vehicle accident in which there was a fatality, the investigating peace officer shall seek such a search warrant for blood, ~~breath, or urine~~ testing unless the testing has already been done by consent. If testing done pursuant to a warrant reveals the presence of alcohol or any other substance that impaired the driving ability of a person who is charged and convicted of a violation of KRS 189A.010(1), the sentencing court shall require, in addition to any other sentencing provision, that the defendant make restitution to the state for the cost of the testing.
- (3) During the period immediately preceding the administration of any test, the person shall be afforded an opportunity of at least ten (10) minutes but not more than fifteen (15) minutes to attempt to contact and communicate with an attorney and shall be informed of this right. Inability to communicate with an attorney during this period shall not be deemed to relieve the person of his *or her* obligation to submit to the tests and the penalties specified by KRS 189A.010 and 189A.107 shall remain applicable to the person upon refusal. Nothing in this section shall be deemed to create a right to have an attorney present during the administration of the tests, but the person's attorney may be present if the attorney can physically appear at the location where the test is to be administered within the time period established in this section.

- (4) Immediately following the administration of the final test requested by the officer, the person shall again be informed of his or her right to have a test or tests of his or her blood performed by a person of his or her choosing described in KRS 189A.103 within a reasonable time of his or her arrest at the expense of the person arrested. He or she shall then be asked "Do you want such a test?" The officer shall make reasonable efforts to provide transportation to the tests.

**Section 5. KRS 189A.107 is amended to read as follows:**

**KRS 189A.107**

- (1) A person who refuses to submit to an alcohol concentration or substance test requested by an officer having reasonable grounds to believe that the person violated KRS 189A.010(1) shall have his or her driver's license suspended during the pendency of the action as provided in KRS 189A.200.
- (2) (a) In the event a defendant is not convicted of a violation of KRS 189A.010(1) in a case in which it is alleged that he or she refused to take an alcohol concentration or substance test, upon motion of the attorney for the Commonwealth, the court shall conduct a hearing, without a jury, to determine by clear and convincing evidence if the person actually refused the testing. However, the hearing shall not be required if the court has made a previous determination of the issue at a hearing held under KRS 189A.200 and 189A.220.
- (b) If the court finds that the person did refuse to submit to **a breath, blood, or urine test** ~~the testing~~, the court shall suspend the person's driver's license for the period of time the license would have been suspended upon conviction as set forth in KRS 189A.070(1), except that the court may authorize the person to apply to the Transportation Cabinet for issuance of an ignition interlock license under KRS 189A.340 for the period of the suspension.
- (c) When the court orders the suspension of a person's license pursuant to this subsection, the person shall surrender the license in the same manner prescribed by KRS 189A.200(4). In addition, notice of the suspension shall be immediately transmitted to the Transportation Cabinet.

**Section 6. KRS 189A.110 is amended to read as follows:**

**KRS 189A.110**

Any person who is arrested for a violation of KRS 189A.010 and who, upon **breath analysis** ~~blood alcohol~~ testing, shows **an** ~~a~~ blood alcohol **concentration** reading **of** ~~above~~ .15 percent **or more** shall be detained in custody at least four (4) hours following his **or her** arrest.

*Section 7. Whereas driving under the influence of alcohol or any substance which impairs one's ability to drive a motor vehicle presents a danger to public safety, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.*

Returned to Secretary of State – April 5, 2022.

Became Law without Governor's Signature – April 6, 2022.

2022 Kentucky Acts Chapter 83 (HB 154).

## HOUSE BILL 206 – PEACE OFFICER CERTIFICATION

**Section 1. KRS 15.382 is amended to read as follows:**

### **KRS 15.382**

A person certified after December 1, 1998, under KRS 15.380 to 15.404 or qualified under the requirements set forth in KRS 15.440(1)(d)6. shall, at the time of becoming certified, meet the following minimum qualifications:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-one (21) years of age;
- (3)
  - (a) Be a high school graduate, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education; or
  - (b) Possess a High School Equivalency Diploma;
- (4) Possess a valid license to operate a motor vehicle;
- (5) Be fingerprinted for a criminal background check;

- (6) Not have been convicted of any felony; ***a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;***
- (7) Not be prohibited by federal or state law from possessing a firearm;
- (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
- (9) Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;
- (10) Have passed a medical examination as defined by the council by administrative regulation and provided by a licensed physician, physician assistant, or advanced practice registered nurse to determine if he can perform peace officer duties as determined by a validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall pass the medical examination, appropriate to the agency's job task analysis, of the employing agency. All agencies shall certify passing medical examination results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (11) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (12) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a peace officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (13) Have been interviewed by the employing agency;
- (14) Not have had certification as a peace officer permanently revoked in another state;

- (15) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take that agency's psychological examination, appropriate to the agency's job task analysis. All agencies shall certify psychological examination results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (16) Have passed a physical agility test administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take the physical agility examination of the employing agency. All agencies shall certify physical agility examination results to the council, which shall accept them as demonstrating compliance with KRS 15.310 to 15.510; and
- (17) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a peace officer to the council, which shall accept them as complying with KRS 15.310 to 15.510.

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

**KRS 15.386**

The following certification categories shall exist:

- (1) "Precertification status" means that the officer is currently employed or appointed by an agency and meets or exceeds all those minimum qualifications set forth in KRS 15.382, but has not successfully completed a basic training course, except those peace officers covered by KRS 15.400. Upon the council's verification that the minimum qualifications have been met, the officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed. If an officer fails to successfully complete a basic training course within one (1) year of employment, his or her enforcement powers shall automatically terminate, unless that officer is actively enrolled and participating in a basic training course or, after having begun a basic training course, is on an approved extension of time due to injury or extenuating circumstances;

- (2) "Certification status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has met all training requirements. The officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed;
- (3) (a) "Inactive status" means that unless the certification is in revoked status:
1. The person has been separated on or after December 1, 1998, from the agency by which he or she was employed or appointed and has no peace officer powers; or
  2. The person is on military active duty for a period exceeding three hundred sixty-five (365) days.
- (b) The person may remain on inactive status. A person who is on inactive status and who returns to a peace officer position shall have certification status restored if he or she meets the requirements of KRS 15.400(1) or (2) or has successfully completed a basic training course approved and recognized by the council, has not committed an act for which his or her certified status may be revoked pursuant to KRS 15.391 and successfully completes in-service training as prescribed by the council, as follows:
1. If the person has been on inactive status for a period of less than three (3) years, and the person was not in training deficiency status at the time of separation, he or she shall complete:
    - a. The twenty-four (24) hour legal update Penal Code course;
    - b. The sixteen (16) hour legal update constitutional procedure course; and
    - c. The mandatory training course approved by the Kentucky Law Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; or
  2. If the person has been on inactive status for a period of three (3) years or more, or the person was in training deficiency status at the time of separation, he or she shall complete:
    - a. The twenty-four (24) hour legal update Penal Code course;



- b. The sixteen (16) hour legal update constitutional procedure course;
  - c. The mandatory training course approved by the Kentucky Law Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; and
  - d. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment:
    - i. Basic officer skills;
    - ii. Orientation for new police chiefs; or
    - iii. Mandatory duties of the sheriff.
- (c) A person returning from inactive to active certification after June 26, 2007, under KRS 15.380 to 15.404, shall meet the following minimum qualifications:
1. Be a citizen of the United States;
  2. Possess a valid license to operate a motor vehicle;
  3. Be fingerprinted for a criminal background check;
  4. Not have been convicted of any felony; ***a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;***
  5. Not be prohibited by federal or state law from possessing a firearm;
  6. Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
  7. Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;

8. Have been interviewed by the employing agency; and
  9. Not have had certification as a peace officer permanently revoked in another state;
- (4) "Training deficiency status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has failed to meet all in-service training requirements. The officer's enforcement powers shall automatically terminate, and he or she shall not exercise peace officer powers in the Commonwealth until he or she has corrected the in-service training deficiency;
- (5) "Revoked status" means that the officer has no enforcement powers and his or her certification has been revoked by the Kentucky Law Enforcement Council under KRS 15.391; and
- (6) "Denied status" means that a person does not meet the requirements to achieve precertification status or certification status.

The design of a certificate may be changed periodically. When a new certificate is produced, it shall be distributed free of charge to each currently certified peace officer.

***Section 3. KRS 15.391 is amended to read as follows:***

**KRS 15.391**

- (1) As used in this section:
- (a) "Agency" means any law enforcement agency, or other unit of government listed in KRS 15.380, that employs a certified peace officer;
  - (b) "Final order" has the same meaning as in KRS 13B.010;
  - (c) "General employment policy" means a rule, regulation, policy, or procedure commonly applicable to the general workforce or civilian employees that is not unique to law enforcement activities or the exercise of peace officer authority, regardless of whether the rule, regulation, policy, or procedure exists or appears in a manual or handbook that is solely applicable to a law enforcement department or agency within the unit of government employing the officer;

- (d) "Investigating agency" means an agency that investigates the use of force by peace officers, including but not limited to the employing agency;
- (e) "Professional malfeasance" means engaging in an act in one's professional capacity as a peace officer that violates a federal, state, or local law or regulation, or any act that involves the following:
1. The unjustified use of excessive or deadly force, as determined by an investigating agency;
  2. Any intentional action by a peace officer that interferes with or alters the fair administration of justice, including but not limited to tampering with evidence, giving of false testimony, or the intentional disclosure of confidential information in a manner that compromises the integrity of an official investigation; or
  3. Engaging in a sexual relationship with an individual the peace officer knows or should have known is a victim, witness, defendant, or informant in an ongoing criminal investigation in which the peace officer is directly involved;
- (f) "Professional nonfeasance" means a failure to perform one's professional duty as a peace officer through omission or inaction that violates a federal, state, or local law or regulation, or any failure to act that involves the following:
1. The failure to intervene when it is safe and practical to do so in any circumstance where it is clear and apparent to the peace officer that another peace officer is engaging in the use of unlawful and unjustified excessive or deadly force; or
  2. The intentional failure to disclose exculpatory or impeachment evidence that the peace officer knew or should have known to be materially favorable to an accused for the purpose of altering the fair administration of justice; and
- (g) "Regulation" means:
1. A federal or state administrative regulation adopted by a federal or state executive branch; and

2. A local rule, regulation, policy, or procedure adopted by ordinance, order, or resolution, or other official action by an agency. However, "regulation" does not mean a general employment policy.
- (2) (a) The certification of a peace officer shall be deemed automatically revoked by the council by operation of the law for one (1) or more of the following:
1. Certification that was the result of an administrative error;
  2. Plea of guilty to, conviction of, or entering of an Alford plea to:
    - a. Any state or federal felony; ~~;~~
    - b. ***A misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;***
    - c. ~~or~~ Any criminal offense committed in another state that would constitute a felony if committed in this state; ***or***
    - d. ***Any criminal offense committed in another state that would, if committed in this state, constitute a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;***
  3. Prohibition by federal or state law from possessing a firearm;
  4. Receipt of a dishonorable discharge or bad conduct discharge from any branch of the Armed Forces of the United States; or
  5. Willful falsification of information to obtain or maintain certification.
- (b) 1. A peace officer whose certification is revoked pursuant to paragraph (a) of this subsection may file an appeal at any time with the council. If an appeal is filed, the council shall conduct an administrative hearing pursuant to KRS Chapter 13B to consider the reinstatement of the peace officer's certification if the revocation was made in error or the condition requiring revocation was removed or remedied.

2. The council may impose any reasonable condition upon the reinstatement of the certification it may deem warranted under the facts of the appeal.
  3. Notwithstanding any other provision of law, the council may subpoena or request a court to subpoena records that are necessary to provide evidence that will permit the council to evaluate whether the cause for revocation has been remedied or removed. Any confidential or medical information received by the council under this subparagraph shall retain its confidential character.
  4. The reversal or any other type of invalidation of a conviction by an appellate court shall constitute the removal or remedy of a condition requiring revocation. However, an expungement of a felony offense shall not be considered a removal or remedy that constitutes grounds for the reinstatement of the peace officer's certification under this paragraph.
  5. A final order issued by the council denying reinstatement of certification may be appealed pursuant to the provisions of KRS 13B.140.
- (3) (a) The certification of a peace officer may be revoked by the council for one (1) or more of the following:
1. Termination of the peace officer for failure to meet or maintain training requirements, unless the certification is in inactive status. As used in this subparagraph, "inactive status" has the same meaning as in KRS 15.386;
  2. Termination of the peace officer for professional malfeasance or professional nonfeasance by his or her agency;
  3. Termination of the peace officer following the plea of guilty to, conviction of, or entering of an Alford plea to any misdemeanor offense, in this state or out of it, that involves:
    - a. Dishonesty;
    - b. Fraud;
    - c. Deceit;

- d. Misrepresentation;
- e. Physical violence;
- f. Sexual abuse; or
- g. Crimes against a minor or a family or household member;

- 4. Receipt of general discharge under other than honorable conditions from any branch of the Armed Forces of the United States that results in the termination of the peace officer from his or her agency; or
- 5. Resignation or retirement of the peace officer while he or she is under criminal investigation or administrative investigation for professional malfeasance or professional nonfeasance that, in the judgment of the agency that employed the peace officer, would have likely resulted in the termination of that peace officer had the facts leading to the investigation been substantiated prior to his or her resignation or retirement.

(b) The council shall review reports of events described in paragraph (a) of this subsection to determine whether the event warrants the initiation of proceedings by the council to revoke a peace officer's certification. If the council determines to initiate proceedings to revoke a peace officer's certification under this subsection, the administrative hearing shall be conducted pursuant to KRS Chapter 13B. A final order by the council revoking certification may be appealed pursuant to the provisions of KRS 13B.140.

(4) (a) An agency:

- 1. That has knowledge of a peace officer in its employment who meets any of the revocation conditions outlined in subsection (2) of this section shall report that condition to the council within fifteen (15) days of gaining knowledge;
- 2. That terminated a peace officer for any of the revocation conditions outlined in subsection (3)(a)1., 2., 3., or 4. of this section shall report that condition to the council within fifteen (15) days of the termination; and
- 3. That would have likely terminated a peace officer for the revocation condition outlined in subsection (3)(a)5. of this section shall report that

condition to the council within fifteen (15) days of the peace officer's resignation or retirement. If an agency reports pursuant to this subparagraph, the agency shall notify the peace officer that a report has been made.

- (b) If an agency fails to make a report required by this subsection, the council may suspend the agency from participation in the Kentucky Law Enforcement Foundation Program fund. However, the time that an agency may be suspended by the council under this paragraph shall not exceed five (5) years.
- (5) The council may promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

Signed by Governor – April 20, 2022.  
2022 Kentucky Acts Chapter 232 (HB 206).

## HOUSE BILL 215 – CONTROLLED SUBSTANCES

### ***Section 1. KRS 218A.1410 is amended to read as follows:***

#### **KRS 218A.1410**

- (1) A person is guilty of importing heroin, carfentanil, fentanyl, or fentanyl derivatives when he or she knowingly and unlawfully transports any quantity of heroin, carfentanil, fentanyl, or fentanyl derivatives into the Commonwealth by any means with the intent to sell or distribute the heroin, carfentanil, fentanyl, or fentanyl derivatives.
- (2) The provisions of this section are intended to be a separate offense from others in this chapter, and shall be punished in addition to violations of this chapter occurring during the same course of conduct.
- (3) (a) Importing heroin, ~~carfentanil, fentanyl, or fentanyl derivatives~~ is a Class C felony, and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.

**(b) Importing carfentanil, fentanyl, or fentanyl derivatives is a Class C felony, and the defendant:**

- 1. Shall not be eligible for pretrial diversion; and**
- 2. Shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.**

**Section 2. KRS 218A.142 is amended to read as follows:**

**KRS 218A.142**

- (1) A person is guilty of aggravated trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:
  - (a) One hundred (100) grams or more of heroin;
  - (b) Twenty-eight (28) grams or more of fentanyl; or
  - (c) Ten (10) grams or more of carfentanil or fentanyl derivatives.
- (2) Aggravated trafficking in a controlled substance in the first degree is a Class B felony, and:
  - (a) The defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed **where the trafficked substance was heroin; or**
  - (b) The defendant shall not be eligible for pretrial diversion, and shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed where the trafficked substance was fentanyl, carfentanil, or fentanyl derivatives.**

Section 3. This Act shall be known as Dalton's Law.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 130 (HB 215).



## HOUSE BILL 216 – FIRST-DEGREE TERRORISTIC THREATENING

*Section 1. KRS 508.075 is amended to read as follows:*

### **KRS 508.075**

- (1) A person is guilty of terroristic threatening in the first degree when he or she:
  - (a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on:
    1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;
    2. A school bus or other vehicle owned, operated, or leased by a school;
    3. The real property or any building public or private that is the site of an official school-sanctioned function; ~~or~~
    4. The real property or any building owned or leased by a government agency; or
    5. ***The real property or any building owned or leased by a domestic violence shelter as defined in KRS 511.085; or***
  - (b) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection.
- (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed by a public servant, as defined in KRS 522.010.
- (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, ***domestic violence shelter personnel***, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a

public safety answering point and identifies the person from whom the threat was communicated, if known.

- (4) Terroristic threatening in the first degree is a Class C felony.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 130 (HB 216).

## HOUSE BILL 239 – CONSTABLES<sup>3</sup>

### **SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:**

- (1) ***Except as provided in subsection (2) of this section, for any constable or deputy constable taking office after January 1, 2023, who was not a constable or deputy constable in the preceding four (4) year term of office, the powers and duties of the office of constable shall not include the general powers of a peace officer or police officer. The powers and duties of the office of constable shall include:***
- (a) ***The specific powers and duties enumerated in this chapter;***
  - (b) ***The power to distrain for his or her fees or for that of other officers as provided in KRS 64.400;***
  - (c) ***The power to take necessary steps to stop, prevent, or bring under control any dog found chasing or molesting wild elk or deer at any time as provided in KRS 150.390;***
  - (d) ***The power, in a county containing a city of the first class, to serve all forms of legal process in any child support action as provided in KRS 205.782;***
  - (e) ***The power to sell property to satisfy a lien created by a taker-up of boats, rafts, platforms, or timber as provided in KRS 364.020;***
  - (f) ***The power to serve a warrant to levy and seize upon the baggage and other personal property of a guest for unpaid services to the keeper of a hotel, inn, boarding house, or house of private entertainment as provided in KRS 376.350;***

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<sup>3</sup> Editor's note: Sections of this legislation that are not relevant to law enforcement have been omitted.

- (g) *The power to enforce a lien for the care of livestock as provided in KRS 376.410;*
  - (h) *The power to execute a warrant in actions regarding forcible entry or detainers as provided in KRS 383.210 and 383.245;*
  - (i) *The power to serve subpoenas issued by the Parole Board as provided in KRS 439.390; and*
  - (j) *The power to take up vagrants, kill mad dogs, kill and bury a distempered horse, ass, or mule, kill and bury cattle, and alter a stud, jackass, or bull as provided in KRS 64.190.*
- (2) *After January 1, 2023, no constable who is elected for the first time or a deputy constable appointed pursuant to Section 12 of this Act shall be granted the powers generally applicable to peace officers and police officers unless the individual has been certified and maintains his or her certification pursuant to KRS 15.380.*

**Section 2. KRS 15.707 is amended to read as follows:**

**KRS 15.707**

The Prosecutors Advisory Council shall have the power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of any matter that it is authorized to consider or reasonably necessary therefor. Subpoenas may be signed and oaths administered by any member of the council. Subpoenas so issued shall be served by any sheriff, ~~constable,~~ police officer, or other peace officer at the request of the council, and a return of subpoena shall be made to the council in the same manner as similar process in the Circuit Court. Any person who refuses to testify, testifies falsely, or fails to appear when subpoenaed, or fails or refuses to produce documents, records, or other such material when subpoenaed, or fails or refuses to serve a subpoena or execute a return thereon, upon citation by the Franklin Circuit Court and after hearing by the court, shall be subject to the same order and penalties to which persons before that court are subject. Any Circuit Court, upon application of the council or the Attorney General, may compel the attendance of witnesses, the production of documents, records, or other such material, and the giving of testimony before the council.

**Section 3. KRS 16.060 is amended to read as follows:**

**KRS 16.060**

It shall be the duty of the commissioner, each officer of the department, and each individual employed as a Trooper R Class or CVE R Class to detect and prevent crime, apprehend criminals, maintain law and order throughout the state, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well as the motor vehicle and traffic laws of the Commonwealth. To this end the commissioner, each officer of the department, and each individual employed as a Trooper R Class or CVE R Class is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables **granted peace officer powers** and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables **granted peace officer powers** and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the commissioner, any officer of the department, and each individual employed as a Trooper R Class or CVE R Class.

**Section 4. KRS 61.300 is amended to read as follows:**

**KRS 61.300**

No person shall serve as a deputy sheriff, ~~deputy constable~~, patrol or other nonelective peace officer, or deputy peace officer, unless:

- (1) He **or she** is a citizen of the United States and is twenty-one (21) years of age or over;
- (2) ~~If a deputy constable, he has resided in the county wherein he is appointed to serve for a period of at least two (2) years;~~
- ~~(3)~~ A sheriff may require his or her deputies to reside in the county in which they serve. Any deputy sheriff appointed pursuant to this section who has not been a resident of the county in which he **or she** serves for a period of at least two (2) years shall not be an active participant in any labor dispute and shall immediately forfeit his **or her** position if he violates this provision;
- (3) ~~(4)~~ He **or she** has never been convicted of a crime involving moral turpitude;
- (4) ~~(5)~~ He **or she** has not within a period of two (2) years hired himself or herself out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the

business of a private detective agency or of any agency supplying private detectives, private policemen, or private guards, or advertised or solicited any such business in connection with any labor dispute; and

(5) ~~(6)~~ He **or she** has complied with the provisions of KRS 15.334.

**Section 5. KRS 61.310 is amended to read as follows:**

**KRS 61.310**

- (1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, constable, **or** deputy constable **granted peace officer powers**, patrol or any other peace officer or deputy peace officer except those appointed pursuant to KRS 61.360 or 277.270 and those employed by a board of education.
- (2) A peace officer shall not receive any compensation or remuneration, directly or indirectly, from any person for the performance of any service or duty, except that he or she may be compensated for employment authorized by subsection (4) of this section and accept donations in accordance with subsection (8) of this section. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.
- (3)
  - (a) Peace officers shall receive for the performance of their services and duties only such compensation or remuneration as is regularly provided and paid out of the public funds to the amount and in the manner provided by law, except that they may be compensated from private funds for employment authorized by subsection (4) of this section and accept donations of private funds in accordance with subsection (8) of this section.
  - (b) Except as set out in subsection (8) of this section, donations made by persons to any governmental unit or officer thereof do not constitute public funds within the meaning of this subsection.
- (4) A peace officer may, while in office, and during hours other than regular or scheduled duty hours, act in any private employment as guard or watchman or in any other similar or private employment. However, he may not participate directly or indirectly, in any labor dispute during his off-duty hours. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.
- (5) No principal peace officer shall appoint or continue the appointment of any deputy contrary to the provisions of this section. When it appears by the affidavit of two (2)

citizens, taxpayers of the county, filed with any principal peace officer, that there is reasonable cause to believe that any of his deputies are receiving compensation from private sources contrary to the provisions of this section, the peace officer shall forthwith investigate the charges contained in the affidavit, and if he finds the charges are true he shall forthwith remove any such deputy from office. Failure to do so shall constitute neglect of duty on the part of the principal peace officer, and he may be removed from office under the provisions of KRS 63.170.

- (6) In addition to being subject to removal from office, any peace officer who violates any of the provisions of this section shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or confined in jail for not more than one (1) year, or both.
- (7) Except as provided in subsection (8) of this section and KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer thereof, either as a gift or donation for the performance of any public duty shall be fined not less than five hundred (\$500) nor more than five thousand dollars (\$5,000).
- (8)
  - (a) A sheriff may accept a donation of money or goods to be used for the public purposes of his or her office if the sheriff establishes a register for recording all donations that includes, at a minimum: 1. The name and address of the donor; 2. A general description of the donation; 3. The date of acceptance of the donation; 4. The monetary amount of the donation, or its estimated worth; and 5. Any purpose for which the donation is given. The register shall constitute a public record, be subject to the provisions of KRS 61.870 to 61.884, and be made available to the public for inspection in the sheriff's office during regular business hours.
  - (b) Any donation to a sheriff shall only be used to further the public purpose of the office and shall not be used for the private benefit of the sheriff, his or her deputies, or other employees of the office.
  - (c) All donations made in accordance with this subsection shall be expended and audited in the same manner as other funds or property of the sheriff's office.
  - (d) For the purposes of this section and KRS 521.060, a donation shall not be construed to mean a campaign contribution made to the sheriff for his or her reelection.

***Section 6. KRS 63.170 is amended to read as follows:***

**KRS 63.170**

Any "peace officer" as defined in KRS 61.310 *or constable* who violates any of the provisions of subsections (2), (4), or (5) of KRS 61.310 may be removed from office by the same courts and in the same manner that a nonelective peace officer may be removed under the provisions of KRS 63.180.

***Section 7. KRS 63.180 is amended to read as follows:***

**KRS 63.180**

- (1) Any person serving as a nonelective peace officer, ~~or~~ deputy peace officer, or deputy constable in violation of the provisions of KRS 61.300 shall be subject to removal. The Circuit Court of the county in which such person is serving and the Circuit Court of Franklin County shall have concurrent jurisdiction of all proceedings for the removal of any such person. The proceedings shall be in equity and the procedure shall be as set forth in subsections (2), (3) and (4) of this section.
- (2) The Commonwealth's attorney of the judicial circuit or the county attorney of the county in which such person is serving, the Attorney General, or any three (3) or more citizens of said county may file a petition in equity setting forth the facts constituting a violation of the provisions of KRS 61.300. If instituted by the Commonwealth's attorney, county attorney or Attorney General, the proceeding shall be in the name of the Commonwealth, and if instituted by three (3) or more citizens, it shall be in the name of such citizens as plaintiffs. A copy of the petition shall be served upon the person complained against, who shall have ten (10) days in which to answer.
- (3) Thereafter the proceeding shall be heard and determined by the court as a proceeding in equity. The court shall render a final judgment within sixty (60) days from the date the petition is filed, unless the court, for good cause shown, extends the time for the final hearing, but in no case shall it be extended beyond ninety (90) days from the date the petition is filed.
- (4) If it appears upon final hearing that any nonelective peace officer or deputy peace officer is disqualified under the provisions of KRS 61.300, the court shall enter a judgment forthwith removing the officer from office.

\* \* \*

**Section 10. KRS 64.200 is amended to read as follows:**

**KRS 64.200**

- (1) In counties containing a population of over 250,000, ***excluding urban-county governments or consolidated local governments***, for the performance of the duties of his office, each constable shall be exclusively compensated by a salary of nine thousand six hundred dollars (\$9,600) per annum to be paid in equal monthly installments out of the county treasury.
- (2) Each constable and deputy constable, ***if deputy constables have been authorized under Section 12 of this Act***, shall daily deliver or cause to be delivered to the recorder for the justice's district in which he holds office all moneys received or collected by him by virtue of his office, or the recorder may receive such moneys for the officer, and in either event the recorder shall daily issue to each officer a receipt for moneys received from or for him. Each recorder shall keep such records of each daily transaction, in such manner and form, and showing such information, as the fiscal court of the county requires.
- (3) All moneys received or collected on account of or resulting from the performance of the duties or the exercise of the powers incident to the offices of constable and deputy constable, ***if deputy constables have been authorized under Section 12 of this Act***, shall be paid into the county treasury.
- (4) Before the tenth day of each calendar month the recorder for each justice's district shall prepare a sworn statement showing the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of constable and deputy constable, ***if deputy constables have been authorized under Section 12 of this Act***. The statement shall be in the form and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one (1) or more copies of the monthly statement to the fiscal court, or such person as the fiscal court designates, and at the same time deliver by certified check, payable to the order of the county treasurer, the total sum of money received by the recorder under the provisions of this section during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this section in a bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.



**Section 11. KRS 70.310 is amended to read as follows:**

**KRS 70.310**

- (1) Every constable **and each deputy constable appointed under Section 12 of this Act** shall execute **a** bond in **an amount determined sufficient by the fiscal court or the legislative council of the urban-county government, or legislative body of a consolidated local government**, the minimum amount **of which shall be** of ten thousand dollars (\$10,000), with good sureties approved by the fiscal court.
- (2) The bond shall be recorded by the fiscal court with the county clerk, and the approval of the sureties shall be entered on the records of the fiscal court.
- (3) The bond shall be renewed biennially, and more often if required by the fiscal court **or the legislative council of an urban-county government, or legislative body of a consolidated local government**. When additional security is required of the constable **or deputy constable**, he **or she** shall be given at least ten (10) days' notice.

**Section 12. KRS 70.320 is amended to read as follows:**

**KRS 70.320**

- (1) As used in this section:
  - (a) "Authorized county" means a county containing either an eligible city or a consolidated local government; and
  - (b) "Eligible city" means a city on the registry maintained by the Department for Local Government under subsection **(6)** ~~(5)~~ of this section.
- (2) The appointment of deputy constables shall be allowed only in authorized counties. In authorized counties, each constable may appoint one (1) or more deputies, **but only** with the consent of the county judge/executive or the mayor **of**, ~~in~~ a consolidated local government **or urban-county government**, ~~as the case may be~~. **The county judge/executive or the mayor in a consolidated local government or urban-county government:**
  - (a) **Shall determine, by written order, the number of authorized deputy constable positions;**

- (b) *Shall approve, by written order, each individual nominated by the constable to serve as a deputy constable;*
  - (c) *May revoke, by written order, the authorization for the appointment of deputy constables at any time;*
  - (d) *May, by written order, reduce the number of authorized deputy constables in his or her discretion; or*
  - (e) *May, by written order, remove any individual from the office of deputy constable at any time for any cause that he or she may deem sufficient.*
- (3) *No person shall be appointed a deputy constable unless he or she:*
- (a) *Is a citizen of the United States and is twenty-one (21) years of age or over;*
  - (b) *Has resided in the county where he or she is appointed to serve for a period of at least two (2) years;*
  - (c) *Has never been convicted of a felony offense or any crime involving moral turpitude;*
  - (d) *Has not within a period of two (2) years hired himself or herself out, performed any service, or received any compensation from any private source for acting as a privately paid detective, police officer, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private police officers, or private guards, or advertised or solicited any such business in connection with any labor dispute;*
  - (e) *Meets the requirements of subsections (3) to (17) of KRS 15.382; and*
  - (f) *Has complied with the provisions of KRS 15.334.*
- (4) *A deputy* ~~The constable~~ *appointed under this section shall execute a bond in accordance with Section 11 of this Act and his or her surety are liable on his or her bond for all the acts and omissions of his or her deputies.*
- ~~(3) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county judge/executive or the mayor in a consolidated local~~

~~government, as the case may be, entered after filing of a written direction by the constable.~~

- (5) (4) Each deputy constable in counties containing a consolidated local government or city of the first class shall be compensated for his or her services by salary fixed by the consolidated local government or fiscal court, and paid out of the levy of the consolidated local government or county.
- (6) (5) On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first or second classes. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

**Section 13. KRS 70.350 is amended to read as follows:**

**KRS 70.350**

- (1) Constables may execute warrants **where specifically authorized by statute, and** summons, subpoenas, attachments, notices, rules and orders of court in all criminal, penal, and civil cases, and shall return all process placed in his **or her** hands to the courts or persons issuing them, on or before the return day, noting the time of execution on them.
- (2) A constable may exercise the duties of his **or her** office in any part of the county, but shall not execute any process in which he **or she** is personally interested except fee-bills for his **or her** own service. He **or she** shall not levy on or sell land, or any interest therein.
- (3) The constable shall not be compelled to receive a precept, fee-bill or order for witness attendance, or other claim against any person who is known to be and to reside out of his **or her** district, unless the precept is in behalf of the Commonwealth or is a precept against property in his **or her** district. But if a constable voluntarily receives such precept, fee-bill, order for witness attendance or other claim, **the constable** he and his **or her** sureties shall be accountable for the same as if the person it is against resided or was in his **or her** district, or had property therein.

**Section 14. KRS 70.410 is amended to read as follows:**

**KRS 70.410**

Recovery on the constable's *or deputy constable's* bond may be had by motion. **At least** ten (10) days' notice, specifying the grounds of the motion, shall be given. If not executed on all persons liable on the bond, the motion may proceed against those notified

\* \* \*

**Section 21. KRS 189.950 is amended to read as follows:**

**KRS 189.950**

- (1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal.
- (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle any red or blue flashing, revolving, or oscillating light or place a red light on the front thereof. This subsection shall not apply to the use of red flashing lights on school buses or to stop lights or turn signals at the rear of any motor vehicle.
- (3) Except as otherwise provided for in this section, a person shall not illuminate a blue light that is affixed to a motor vehicle while operating the motor vehicle on a highway. This subsection shall not apply to: (a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or (b) Nonhalogen headlamps that have a slight blue tint and meet United States Department of Transportation regulations.
- (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public safety vehicles, shall be equipped with, nor shall any person use upon any vehicle any yellow flashing, revolving, or oscillating light. This subsection shall not apply to the use of yellow lights for turn signals; or to emergency flasher lights for use when warning the operators of other vehicles of the presence of a vehicular traffic requiring the exercise of unusual care in approaching, overtaking, or passing; or to vehicles operated by mail carriers while on duty; funeral escort vehicles and church buses.
- (5) Any person who is a regular or voluntary member of any fire department furnishing fire protection for a political subdivision of the state or any person who is a regular or voluntary member of a rescue squad may equip his *or her* vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he *or her*<sup>4</sup> has first

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<sup>4</sup> Editor's note: The word "her" appears herein as it appears in the 2022 Kentucky Acts Chapter 239.

been given permission, in writing, to do so by the chief of the fire department or rescue squad. He **or she** may use such lights and equipment only while proceeding to the scene of a fire or other emergency or to a location where another emergency vehicle is on emergency call in the performance of his **or her** official duties as a member of a fire department or rescue squad.

- (6) (a) Any constable ***meeting the requirements of subsection (2) of Section 1 of this Act*** may, upon approval of the fiscal court in the county of jurisdiction, ***the legislative council of an urban-county government, or the legislative body of a consolidated local government***, equip vehicles used by said officer as emergency vehicles with one (1) or more flashing, rotating or oscillating blue lights, visible under normal atmospheric condition from a distance of five hundred (500) feet to the front of such vehicle, and a siren, whistle or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any constable authorized by the fiscal court to utilize blue lights and a siren pursuant to this section shall maintain at least the insurance described by KRS 304.39-110.
- (b) 1. ***Any constable who has successfully completed a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council, and who maintains his or her certification as a peace officer pursuant to KRS 15.380 through his or her term of office as a constable, may equip vehicles used by that officer as emergency vehicles with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any constable authorized to use blue lights and a siren pursuant to this section shall maintain at least the insurance described by KRS 304.39-110.***
2. ***The fiscal court in the county of jurisdiction, the legislative council of an urban-county government, or the legislative body of a consolidated local government may revoke this authorization, if the fiscal court, the council, or the body determines an issue of public safety or abuse by the constable.***

- (7) Any person who is a paid or voluntary member of any ambulance service furnishing emergency medical services for a political subdivision of the state may equip his or her vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he or she has first been given permission, in writing, to do so by the chief or director of the ambulance service. He or she may use such lights and equipment only while proceeding to the scene of an emergency, a medical facility, or to a location where another emergency vehicle is on emergency call in the performance of his or her official duties as a member of the ambulance service.

\* \* \*

**Section 24. KRS 281.765 is amended to read as follows:**

**KRS 281.765**

Any peace officer, including sheriffs and their deputies, constables and their deputies **granted police powers**, city police officers, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles and boats or boating, now existing or hereafter enacted, shall be authorized and it is hereby made the duty of each of them to enforce the provisions of this chapter and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles and boating, without warrant if the offense be committed in his **or her** presence, and with warrant or summons if he **or she** does not observe the commission of the offense. When in pursuit of any offender for any offense committed within his **or her** jurisdiction, any such officer may follow and effect an arrest beyond the limits of his **or her** jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him **or her**. If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than one hundred dollars (\$100), conditioned that the accused binds himself **or herself** to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six (6) days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen (18) hours after taking such bond.

\* \* \*

**Section 25. KRS 446.010 is amended to read as follows:**

**KRS 446.010**

\* \* \*

- (31) "Peace officer" includes sheriffs, constables ***granted police powers***, coroners, jailers, metropolitan and urban county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;

\* \* \*

***Section 26. KRS 15.404 is amended to read as follows:***

**KRS 15.404**

- (1) (a) Any peace officers employed or appointed after December 1, 1998, who have not successfully completed basic training at a school certified or recognized by the Kentucky Law Enforcement Council, shall within one (1) year of their appointment or employment, successfully complete a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council or receive a basic training credit approved by the Kentucky Law Enforcement Council under KRS 15.440(1)(d)6.
- (b) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing basic training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- (c) Any peace officer who fails to successfully complete basic training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her precertification status shall lapse. Further, the peace officer shall be prohibited from serving as a peace officer for a period of one (1) year from the date that his or her precertification lapses.
- (2) (a) All peace officers with active certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council, that is appropriate to the officer's rank and responsibility and the size and location of his department.
- (b) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training. If the officer is unable to complete the

in-service training due to injury or illness that prevents him or her from working as a peace officer, the one hundred eighty (180) day extension shall begin on the date that the officer returns to work.

(c) Any peace officer who fails to successfully complete in-service training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her certification status shall be changed to training deficiency status.

(d) When a peace officer is deficient in required training, the commissioner of the department or his or her designee shall notify the council, which shall notify the peace officer and his or her agency.

(e) The requirements of this subsection shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces.

(f) This waiver shall be retroactive for peace officers from the date of September 11, 2001.

(3) An officer who has lost his or her law enforcement powers due solely to his or her failure to meet the in-service training requirements of this section may regain his or her certification status and law enforcement powers upon successful completion of the training deficiency.

(4) (a) ***Any constable who is elected may apply for admission to a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council. The constable shall meet all precertification requirements established pursuant to KRS 15.382 for attendance. The constable shall bear all costs associated with precertification. The constable shall bear all costs associated with completion of the basic training course, except the costs of basic training at a course established pursuant to KRS 15.340.***

(b) ***The basic training course shall accept the constable for basic training so long as:***

1. ***The constable meets the precertification requirements; and***

2. ***The basic training course has the training capacity to instruct the constable.***



**Section 27. KRS 15.340 is amended to read as follows:**

**KRS 15.340**

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

- (1) The department may determine to which law enforcement agencies, corrections agencies, and court agencies and its officers it will offer training;
- (2) In determining the law enforcement officers for which it will offer training and in allocating available funds, the department shall give first priority to "police officers" as defined by KRS 15.420(2), public airport authority security officers, and campus police;
- (3) Fire investigators shall be offered training by the department;
- (4) Except for the officers described in subsection (2) of this section, the department may determine whether persons to whom it offers training or agencies employing such persons must bear any or all costs of such training.
- (5) Notwithstanding subsections (1) to (4) of this section, the department shall accept one (1) qualified constable per training class. The constable accepted shall meet all precertification requirements established pursuant to KRS 15.382 for attendance. The constable shall bear all costs associated with precertification. This subsection shall not be construed to prevent the department from accepting more than one (1) qualified constable per fiscal year, if there are more than one (1) qualified constable applicants and funds are available for their training.

Section 28. Sections 1 to 26 of this Act take effect January 1, 2023. Section 27 Of this Act takes effect July 1, 2023.

Returned to Secretary of State – April 8, 2022.

Became law without Governor’s Signature – April 10, 2022.

2022 Kentucky Acts Chapter 90 (HB 239).

**HOUSE BILL 252 – ALCOHOLIC BEVERAGES**

**Section 1. KRS 244.090 is amended to read as follows:**

**KRS 244.090**

- (1) A person holding any license shall not knowingly employ in connection with the licensed business any person who:
- (a) Has been convicted of any felony within the last two (2) years;
  - (b) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of alcoholic beverages within the last two (2) years;
  - (c) ***For the purposes of selling and serving alcoholic beverages***, is under the age of twenty (20) years, unless the person is employed ***is at least eighteen (18) years of age***:
    - ~~1. In a bottling house or room of a licensed distiller, winery, brewer, or rectifier;~~
    - ~~2. In an office of a wholesaler or manufacturer that is maintained in a building separate from the warehouses or factory;~~
    - ~~3. At premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least eighteen (18) years of age and under the supervision of a person twenty (20) years of age or older; or~~
    - ~~4. In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages:
      - ~~a. A restaurant that derives at least fifty percent (50%) of its food and alcoholic beverage sales from the sale of food for consumption on the licensed premises; or~~
      - ~~b. Any other establishment with alcoholic beverage sales not exceeding fifty percent (50%) of its gross sales; or~~~~
  - (d) Within two (2) years prior to the date of the person's employment, has had any license issued under KRS Chapters 241 to 244 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.

- (2) The provisions of paragraphs (a) and (b) of subsection (1) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.
- (3) ***A person under the age of twenty (20) years of age whose employment is authorized under subsection (1) of this section shall not have duties that include bartending or any activities listed in KRS 529.010(3).***
- (4) ***A person who is at least eighteen (18) years of age whose employment does not include the sale or service of alcoholic beverages may work in the warehouse of a wholesaler or distributor if there is an employee on the premises who is twenty-one (21) years of age or older.***
- (5) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

Signed by Governor – March 25, 2022.

2022 Kentucky Acts Chapter 38 (HB 252).

## HOUSE BILL 263 – CRIMINAL ABUSE

***Section 1. KRS 508.100 is amended to read as follows:***

### **KRS 508.010**

- (1) A person is guilty of criminal abuse in the first degree when he intentionally abuses another person or permits another person of whom he has actual custody to be abused and thereby:
  - (a) Causes serious physical injury; or
  - (b) Places him in a situation that may cause him serious physical injury; or
  - (c) Causes torture, cruel confinement or cruel punishment; to a person twelve (12) years of age or less, or who is physically helpless or mentally helpless.
- (2) Criminal abuse in the first degree is a Class C felony ***unless the victim is under twelve (12) years old in which case it is a Class B felony.***

Section 2. This Act may be cited as Kami's Law.

Signed by Governor – March 25, 2022.  
2022 Kentucky Acts Chapter 31 (HB 263).

## **HOUSE BILL 279 – MOTOR VEHICLES**

**Delayed Enactment – Effective January 1, 2024**

***Section 1. KRS 186.032 is amended to read as follows:***

### **KRS 186.032**

- (1) *As used in this section, "communication disorder" means a health condition or disability that may impede effective communication with a peace officer.***
- (2) *At the time of initial application for registration or application for renewal, The owner or lessee of a motor vehicle may inform the county clerk that he or she, or someone who may be operating the vehicle, is deaf or hard of hearing and request that information be included in the Kentucky vehicle registration system database to assist law enforcement in identifying the operator of the vehicle as possibly being deaf or hard of hearing.***
- (3) *The owner or lessee of a motor vehicle may inform the county clerk that he or she, or someone who may be operating the vehicle, has a communication disorder and request that information be included in the Kentucky vehicle registration system database to assist law enforcement in identifying the operator of the vehicle as possibly having a communication disorder.***
- (4) ~~(2)~~ (a) The deaf or hard of hearing protection trust fund is created as a separate trust fund in the State Treasury. The trust fund shall consist of any proceeds from gifts, grants, contributions, appropriations, or other moneys made available for the purposes of the trust fund.**
  - (b) The fund shall be administered by the Kentucky Commission on the Deaf or Hard of Hearing.**
  - (c) Notwithstanding KRS 45.229, trust fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.**
  - (d) Any interest earnings of the trust fund shall become part of the trust fund and shall not lapse.**
  - (e) Trust fund moneys deposited in this fund shall only be used to:**

1. Reimburse the Transportation Cabinet for the cost of including information that someone is deaf or hard of hearing **or has a communication disorder** in the Kentucky vehicle registration system database;
  2. Support other actions to protect the safety and welfare of persons who are deaf or hard of hearing **or have a communication disorder**; and
  3. Educate the public, and the deaf and hard of hearing community, **and the communication disorder community** on issues confronting the deaf and hard of hearing **and those with communication disorders**.
- (5) (a) **Every county clerk shall post a permanent notice containing information about the availability of a deaf or hard of hearing or a communication disorder designation in the Kentucky vehicle registration database. The notice shall be printed in bold face type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the county clerk's office will readily see the notice.**
- (b) **The Transportation Cabinet shall put information on its Web site about the availability of a deaf or hard of hearing or a communication disorder designation in the Kentucky vehicle registration database.**

Section 2. This Act takes effect January 1, 2024.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 99 (HB 279).

## HOUSE BILL 319 – INTERPERSONAL VIOLENCE

**Section 1. KRS 403.720 is amended to read as follows:**

### **KRS 403.720**

As used in KRS 403.715 to 403.785:

- (1) **"Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;**
- (2) **"Domestic violence and abuse" means:**

- (a) Physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple; or
  - (b) ***Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal;***
- (3) ~~(2)~~ "Family member" means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;
  - (4) ~~(3)~~ "Foreign protective order" means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was issued on the basis of domestic violence and abuse;
  - (5) ~~(4)~~ "Global positioning monitoring system" means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;
  - (6) ~~(5)~~ "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together;
  - (7) ~~(6)~~ "Order of protection" means an emergency protective order or a domestic violence order and includes a foreign protective order;
  - (8) ~~(7)~~ "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and
  - (9) ~~(8)~~ "Substantial violation" means criminal conduct which involves actual or threatened harm to the person, family, or property, ***including a domestic animal***, of an individual protected by an order of protection.

***Section 2. KRS 403.740 is amended to read as follows:***

**KRS 403.740**

- (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:
- (a) Restraining the adverse party from:
    - 1. Committing further acts of domestic violence and abuse;
    - 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
    - 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
    - 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
    - 5. Disposing of or damaging any of the property of the parties;
  - (b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;
  - (c) Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and
  - (d) Additionally, if applicable:
    - 1. Directing the adverse party to vacate a residence shared by the parties to the action;
    - 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315; ~~and~~
    - 3. Utilizing the criteria set forth in KRS 403.211, 403.212, and 403.213, award temporary child support; **and**
    - 4. ***Awarding possession of any shared domestic animal to the petitioner.***
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:

- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
  - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
  - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
  - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.
- (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

***Section 3. KRS 456.010 is amended to read as follows:***

**KRS 456.010**

As used in this chapter:

- (1) "Dating relationship" means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:
- (a) Declarations of romantic interest;
  - (b) The relationship was characterized by the expectation of affection;
  - (c) Attendance at social outings together as a couple;



- (d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;
  - (e) The length and recency of the relationship; and
  - (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed;
- (2) "Dating violence and abuse" means:
- (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault occurring between persons who are or have been in a dating relationship; *or*
  - (b) ***Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the perpetrator is or has been in a dating relationship, when that person has a close bond of affection to the domestic animal;***
- (3) ***"Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;***
- (4) ~~(3)~~ "Foreign protective order" means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was not issued on the basis of domestic violence and abuse;
- (5) ~~(4)~~ "Global positioning monitoring system" means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;
- (6) ~~(5)~~ "Order of protection" means any interpersonal protective order, including those issued on a temporary basis, and includes a foreign protective order;
- (7) ~~(6)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse, or incest under KRS 530.020;

- (8) ~~(7)~~ "Stalking" refers to conduct prohibited as stalking under KRS 508.140 or 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of stalking;
- (9) ~~(8)~~ "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and
- (10) ~~(9)~~ "Substantial violation" means criminal conduct which involves actual or threatened harm to the person, family, or property, **including a domestic animal**, of an individual protected by an order of protection.

**Section 4. KRS 456.060 is amended to read as follows:**

**KRS 456.060**

- (1) Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:
- (a) Restraining the adverse party from:
1. Committing further acts of dating violence and abuse, stalking, or sexual assault;
  2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
  3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
  4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
  5. Disposing of or damaging any of the property of the parties;
- (b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of dating violence and abuse, stalking, or sexual assault, except that the court shall not order the petitioner to take any affirmative action; ~~and~~
- (c) Directing that either or both of the parties receive counseling services available in the community in dating violence and abuse cases; **and**

**(d) Awarding possession of any shared domestic animal to the petitioner.**

- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
  - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
  - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
  - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 158 (HB 319).

## HOUSE BILL 321 – VEHICLES/CERTIFICATES OF TITLE

***Section 1. KRS 186A.100 is amended to read as follows:***

**KRS 186A.100**

- (1) A motor vehicle dealer licensed under KRS 186.070 who sells a vehicle for use upon the highways of this state shall equip the vehicle with a temporary tag executed in the manner prescribed below, which shall be valid for **sixty (60)** ~~thirty (30)~~ days from the date the vehicle is delivered to the purchaser. The cost of the tag shall be two dollars (\$2), of which the clerk shall retain one dollar (\$1). A motor vehicle dealer licensed under KRS 186.070 shall apply to the county clerk of the county in which the dealer maintains his principal place of business for issuance of temporary tags. Application shall be made for such tags on forms supplied to the county clerk by the Transportation

Cabinet. If the purchaser has not received his certificate of registration within thirty (30) days from the date of delivery, the purchaser may obtain another temporary tag from the dealer.

- (2) The county clerk of any county who receives a proper application for issuance of temporary tags shall record the number of each tag issued upon the application of the dealer for such tags, or if a group of consecutively numbered temporary tags are issued to a dealer in connection with a single application, record the beginning and ending numbers of the group on the application.
- (3) The clerk shall retain, for a period of two (2) years, one (1) copy of the dealer's temporary tag application, and ensure that it reflects the numbers appearing on the tags issued with respect to such application.
- (4) If the owner of a motor vehicle submits to the county clerk a properly completed application for Kentucky certificate of title and registration pursuant to KRS 186A.120, any motor vehicle required to be registered and titled in Kentucky, that is not currently registered and titled in Kentucky, may be equipped with a temporary tag, which shall be valid for **sixty (60)** ~~thirty (30)~~ days from the date of issuance, issued by the county clerk for the purpose of operating the vehicle in Kentucky while assembling the necessary documents in order to title and register the vehicle in Kentucky. The Transportation Cabinet may establish administrative regulations governing this section.
- (5) The county clerk may issue a temporary tag to the owner of a motor vehicle that is currently registered and titled in Kentucky. A temporary tag authorized by this subsection shall be used for emergency or unusual purposes as determined by the clerk for the purpose of maintaining the owner's current registration. A temporary tag authorized by this subsection may only be issued by the county clerk and shall be valid for a period of between twenty-four (24) hours and seven (7) days, as determined is necessary by the clerk. A county clerk shall not issue a temporary tag authorized by this subsection unless the owner of the motor vehicle applying for the tag presents proof of motor vehicle insurance pursuant to KRS 304.39-080. On and after January 1, 2006, if the motor vehicle is a personal motor vehicle as defined in KRS 304.39-087, proof of insurance shall be determined by the county clerk as provided in KRS 186A.042. A temporary tag issued pursuant to this subsection shall not be reissued by the county clerk for the same owner and same motor vehicle within one (1) year of issuance of a temporary tag.

***Section 2. KRS 186A.105 is amended to read as follows:***

**KRS 186A.105**

- (1) Motor vehicle dealers, their agents and county clerks, before equipping a vehicle with a temporary tag, shall print or stamp in waterproof ink, legibly, in the spaces provided on such tag:
  - (a) The month, day and year the vehicle was delivered to the purchaser;
  - (b) The month, day and year of expiration of the tag which shall be no more than **sixty (60)** ~~thirty (30)~~ days following the date of delivery of the vehicle to the purchaser;
  - (c) The purchaser's or owner's name;
  - (d) The year model, make and vehicle identification number of the vehicle sold; and
  - (e) Either the dealer's name, city of principal place of business and the telephone number, including telephone area code, or the clerk's name, county and telephone number, including area code.
- (2) The dealer's employee who executes the temporary tag shall place his signature in the space provided. A dealer who issues, or whose agents issue, temporary tags shall keep a log of each temporary tag obtained and each tag issued, showing all information entered by the dealer or dealer's agent on forms supplied by the cabinet, and shall make such log available for inspection by any law enforcement officer upon request. The log shall be retained by the dealer for a period of at least two (2) years following the date of issuance of the last dated tags whose issuance is indicated on any individual temporary tag log sheet.
- (3) The county clerk who executes the temporary tag shall place his signature in the space provided. A county clerk who issues temporary tags shall keep a log of each temporary tag obtained and each tag issued, showing all information entered by the county clerk on forms supplied by the cabinet, and shall make the log available for inspection by any law enforcement officer upon request. The log shall be retained by the county clerk for a period of at least two (2) years following the date of issuance of the last dated tags whose issuance is indicated on any individual temporary tag log sheet.

***Section 3. KRS 186A.297 is amended to read as follows:***

**KRS 186A.297**

- (1) When a manufactured home is or is to be permanently affixed to real estate, the owner may execute and file an affidavit of conversion to real estate with the county clerk of the county in which the real estate is located. The affidavit shall attest to the fact that the home has been or will be permanently affixed to the real estate and be

accompanied by a surrender of the Kentucky certificate of title. The county clerk shall file the affidavit of conversion to real estate in the miscellaneous record book.

- (2) A county clerk shall not accept a surrender of a Kentucky certificate of title which displays an unreleased lien unless it is accompanied by:
  - (a) A release of the lien; or
  - (b) ***An affidavit, signed under oath by the attorney who satisfied the liens noted on the Kentucky certificate of title, attesting that all liens noted on the Kentucky certificate of title have been paid. An affidavit filed by an attorney under this paragraph may only be signed by an attorney licensed to practice law in the Commonwealth.***
- (3) ***The provisions of subsection (2) of this section shall not excuse a lender who placed a lien on the certificate of title from filing a release of the lien.***
- (4) ***Upon receipt of the information identified in subsection (2) of this section, the county clerk shall accept the affidavit of conversion and the surrender of the Kentucky certificate of title.***
- (5) ***In the event of an inaccurate or fraudulent affidavit, the title surrender becomes null and void.***
- (6) ***The county clerk shall be held harmless if he or she relies upon receipt of the information identified in subsection (2) of this section.***
- (7) When the county clerk files the affidavit of conversion to real estate, the county clerk shall furnish a copy to the property valuation administrator for inclusion in the real property tax rolls of the county. A filing of an affidavit of conversion to real estate and a surrender of a Kentucky certificate of title shall be deemed a conversion of the property as an improvement to the real estate upon which it is located.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 113 (HB 321).

## HOUSE BILL 414 – PUBLIC SAFETY PERSONNEL

***Section 1. KRS 90.330 is amended to read as follows:***

**KRS 90.330**

- (1) The civil service commission shall examine all applicants as to their physical and mental qualification for the particular classification wherein they seek employment. To be eligible for examination a person **shall be at least** ~~must not be less than~~ eighteen (18) **years of age** ~~nor have passed his or her forty-sixth birthday,~~ **be** a law-abiding citizen of sobriety and integrity, and must be able to read and write and understand the English language; ~~provided, however, that any present employee who is over forty five (45) years of age and who is otherwise qualified shall be eligible to take any promotional examinations.~~
- (2) ~~Except for those members whose qualifications are determined under KRS 95.440, no person shall be appointed to a position under civil service until that person is a resident of the Commonwealth of Kentucky.~~
- (3) Any city legislative body that operates under this chapter may by ordinance require persons appointed to civil service positions to be a resident of the county in which the city is located.

**Section 2. KRS 95.010 is amended to read as follows:**

**KRS 95.010**

- (1) As used in KRS 95.160 to 95.290 and in KRS 95.830 to 95.845, unless the context requires otherwise:
  - (a) "Dismissal" means the discharge of an employee by the division or department head, civil service board, or other lawful authority;
  - (b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions;
  - (c) "Fire department" means the officers, firefighters, and clerical or maintenance employees, including the chief of the fire department;
  - (d) "Member" means any person in the police or fire department, other than the chief or assistant chief of the department;
  - (e) "Police department" means the officers, policemen, and clerical or maintenance employees, including the chief of police;
  - (f) "Police force" means the officers and policemen of the police department, other than the chief of police;
  - (g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employee;

- (h) "Salary" means any compensation received for services; and
  - (i) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.
- (2) As used in KRS 95.440 to 95.629, the following words and terms shall have the following meaning, unless the context requires otherwise:
- (a) "Dismissal" means the discharge of an employee by the division or department head, civil service board, or other lawful authority;
  - (b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions;
  - (c) "Fire department" means and includes all officers, firefighters, and clerical or maintenance employees of the fire department;
  - (d) "Police department" means and includes all officers, policemen, and clerical or maintenance employees of the police department;
  - (e) "Member" means any and all officers, firefighters, policemen, clerical or maintenance employees in the police or fire department, except:
    1. As used in subsections (1) and (3) of KRS 95.440, and KRS ~~95.450~~, 95.460, 95.470, 95.550, 95.560, 95.565, 95.570 and 95.580,; it shall not include the chief of police in an urban-county government;
    2. ***As used in Section 4 of this Act, it shall not include the chiefs of police or fire departments or the clerical and maintenance employees of the police or fire departments; and***
    3. ***As used in Section 6 of this Act, it shall not include the clerical and maintenance employees of the police or fire departments;***
  - (f) "Police force" means and includes all officers and policemen in the police department;
  - (g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employee;
  - (h) "Firefighter" means a member of the fire department below the rank of officer, other than a clerical or maintenance employee;



- (i) "Salary" means any compensation received for services;
  - (j) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure; and
  - (k) "Pension fund" shall mean the moneys derived from the members of the police and fire departments' salary or salaries and appropriations by the legislative body, or any other means derived from whatever source by gift or otherwise to be used for the retirement of members of the police and fire departments after the prescribed number of years of service, and for the benefit of disabled members of police and fire departments, and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of any member of the police or fire department within the scope of his employment.
- (3) As used in KRS 95.761 to 95.784, the following words and terms shall have the following meaning:
- (a) "Regular police department." For the purpose of KRS 95.761 to 95.784, a "regular police department" is defined as one having a fixed headquarters, where police equipment is maintained and where a policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular police patrol duties;
  - (b) "Regular fire department." For the purpose of KRS 95.761 to 95.784, a "regular fire department" is defined as one having a fixed headquarters where firefighting apparatus and equipment are maintained, and where firefighters are in constant and uninterrupted attendance to receive and answer fire alarms;
  - (c) "Legislative body." Wherever in KRS 95.761 to 95.784 the term "body" or "legislative body" is employed, it shall be construed to mean the legislative branch of the city government or urban-county government;
  - (d) "Commission." The word "commission" shall mean the board of civil service commissioners, as established under the terms of KRS 95.761 to 95.784;
  - (e) "Trustees." The word "trustees" shall mean the board of pension fund trustees, as established under the terms of KRS 95.761 to 95.784; and
  - (f) "Pension fund." The term "pension fund" shall mean the moneys derived from the policeman or policemen and firefighter or firefighters salary or salaries, and appropriations by the legislative body, or any other sums derived from whatever

source by gifts or otherwise to be used for the retirement of policeman or policemen and firefighter or firefighters after the prescribed number of years of service and for the benefit of disabled policeman or policemen and firefighter or firefighters, and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of a policeman or firefighter within the scope of his employment, according to the terms of KRS 95.761 to 95.784.

***Section 3. KRS 95.022 is amended to read as follows:***

**KRS 95.022**

- (1) As used in this section:
  - (a) "City" means any incorporated city, consolidated local government, unified local government, urban-county government, or charter county government, operating under the law of this Commonwealth, and the offices and agencies thereof; and
  - (b) "Police officer" has the same meaning as "police officer" in KRS 15.420 and as "officer" in KRS 16.010.
- (2) Subject to the limitations of subsection (7) of this section, a city may employ individuals as police officers under this section who have retired from the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System.
- (3) To be eligible for employment under this section, an individual shall have:
  - (a) Participated in the Law Enforcement Foundation Program fund under KRS 15.410 to 15.510 or retired as a commissioned officer pursuant to KRS Chapter 16;
  - (b) Retired with at least twenty (20) years of service credit;
  - (c) Been separated from service for the period required by KRS 61.637 and 78.5540 so that the member's retirement is not voided;
  - (d) Retired with no administrative charges pending; and
  - (e) Retired with no preexisting agreement between the individual and the city prior to the individual's retirement for the individual to return to work for the city.
- (4) Individuals employed under this section shall:

- (a) Serve for a term not to exceed one (1) year. The one (1) year employment term may be renewed annually at the discretion of the employing city;
  - (b) Receive compensation according to the standard procedures applicable to the employing city; and
  - (c) Be employed based upon need as determined by the employing city.
- (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287, 61.510 to 61.705, or 78.510 to 78.852 to the contrary:
- (a) Individuals employed under this section shall continue to receive all retirement and health insurance benefits to which they were entitled upon retiring in the applicable system administered by Kentucky Retirement Systems or the County Employees Retirement System;
  - (b) Individuals employed under this section shall not be eligible to receive health insurance coverage through the employing city;
  - (c) The city shall not pay any employer contributions or retiree health expense reimbursements to the Kentucky Retirement Systems required by KRS 61.637 for individuals employed under this section; and
  - (d) The city shall not pay any insurance contributions to the state health insurance plan, as provided by KRS 18A.225 to 18A.2287, for individuals employed under this section.
- (6) Individuals employed under this section shall be subject to any merit system, civil service, or other legislative due process provisions applicable to the employing city. A decision not to renew a one (1) year appointment term under this section shall not be considered a disciplinary action or deprivation subject to due process.
- (7) A city government shall be limited in the number of retired police officers that it may hire under this section as follows:
- (a) A city government that employed an average of five (5) or fewer police officers over the course of **the immediately preceding** calendar year ~~2015~~ shall not be limited in the number of officers that they may hire under this section;
  - (b) A city government that employed an average of more than five (5) but fewer than one hundred (100) police officers over the course of **the immediately preceding** calendar year ~~2015~~ shall not hire more than five (5) police officers or a number equal to twenty-five percent (25%) of the police officers employed by

the city in ***the immediately preceding*** calendar year 2015, whichever is greater; and

- (c) A city government that employed an average of one hundred (100) or more police officers over the course of calendar year 2015 shall not hire more than twenty-five (25) police officers or a number equal to ten percent (10%) of the police officers employed by the city in ***the immediately preceding*** calendar year 2015, whichever is greater.
- (8) Retired police officers employed by a city government for purposes of KRS 158.4414 shall not apply against the limitations provided by subsection (7) of this section.

***Section 4. KRS 95.450 is amended to read as follows:***

**KRS 95.450**

- (1) (a) The provisions of this section shall only apply to members of police and fire departments in urban-county governments and those cities that are included in the Department for Local Government registry created pursuant to subsection (9) of this section.  
  
(b) ***This section shall only apply to a member of the police department when the provisions of KRS 15.520 do not apply.***
- (2) Except as provided in subsection (6) of this section no member of the police or fire department in cities listed on the registry pursuant to subsection (9) of this section or an urban-county government shall be reprimanded ***in writing***, dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law or of the rules adopted by the legislative body, and only after charges are preferred and a hearing conducted as provided in this section.
- (3) (a) Any person may ***file a complaint*** ~~prefer charges~~ against a member of the police or fire department by filing ~~it them~~ with the clerk of the legislative body who shall immediately communicate the same to the legislative body. ***Any person may file a complaint against a member of the police department pursuant to KRS 15.520.***  
  
(b) ***Subject to the provisions of KRS 15.520, the mayor, city manager, or legislative body shall, whenever probable cause appears, prefer charges against any member the mayor, city manager, or legislative body believes to be whom he believes guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made.***

- (c) The **mayor, city manager, or legislative body** ~~person~~ preferring the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may thereupon be dismissed.
- (4) (a) Upon the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. **Unless otherwise agreed by the legislative body and the member charged, the legislative body** ~~Within three (3) days after the charges have been filed with the legislative body, that body~~ shall proceed to hear the charges **within ten (10) days after the charges were filed.**
- (b) At least **five (5)** ~~two (2)~~ days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place, and hour at which the hearing of the charges will begin.
- (c) The **member** ~~person~~ accused may, in writing, waive the service of charges and demand trial within **ten (10)** ~~three (3)~~ days after the charges are filed with the clerk.
- (5) The legislative body may summon and compel attendance of witnesses at hearings by subpoena issued by the clerk of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The member accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose, and the written charges filed in the matter shall be attached to the book containing the decision.
- (6) When the appointing authority or the head of the department has probable cause to believe a member of the police or fire department has been guilty of conduct justifying dismissal or punishment, he **or she** or it may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member accused.
- (7) The legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand **in writing**, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal from the service.

- (8) A member of a police or fire department found guilty pursuant to the provisions of this section shall have the right to appeal to the Circuit Court under KRS 95.460.
- (9) On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall be required to comply with the provisions of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second or third class as of January 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

**Section 5. KRS 95.460 is amended to read as follows:**

**KRS 95.460**

- (1) Any member of the police or fire department found guilty by the legislative body of any charge, as provided by KRS 95.450, may appeal to the Circuit Court of the county in which the city or urban-county government is located, but the enforcement of the judgment of the body shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the legislative body makes its determination on the charge.
- (2) Upon request of the accused, the clerk of the legislative body shall file a certified copy of the charges and the judgment of that body in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court. ***The Circuit Court review of the case shall be based solely upon the administrative record created before the legislative body and any new evidence offered by the member regarding alleged arbitrariness on the part of the legislative body*** and tried as an original action.
- (3) If the clerk fails to certify the transcript to the Circuit Court within seven (7) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the legislative body, together with a statement that demand for transcript was made upon the clerk more than five (5) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed, and the Circuit Court may compel the filing of the transcript by the clerk by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.
- (4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

**Section 6. KRS 95.495 is amended to read as follows:**

**KRS 95.495**

- (1) ***Except as provided in Section 9 of this Act***, in cities listed on the registry pursuant to subsection (3) of this section or urban-county governments, except those in which, by ordinance, the patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight (8) hours per day, for five (5) days each week or ten (10) hours per day, for four (4) days each week, except in the event of an emergency. Each member of the police department shall have an annual leave of fifteen (15) working days with full pay. Nothing in this section shall prohibit a member of the police department from voluntarily agreeing to work a different work schedule provided that the officer is paid overtime for any work performed in excess of forty (40) hours per week.
- (2) The salary of the members of the police department shall not be reduced by reason of the enactment of this section.
- (3) On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall comply with the provisions of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second or third class on August 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

**Section 7. KRS 95.762 is amended to read as follows:**

**KRS 95.762**

- (1) The commission shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications to fill the office of policeman or firefighter, and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen and firefighters. Every member of the police or fire department shall be able to read and write and understand the English language, and have such other general qualifications as may be prescribed.
- (2) No person shall be appointed a member of the police or fire departments unless he is well known to be a person of sobriety and integrity, and has been and is an orderly, law-abiding citizen, nor shall any person be appointed as a member of said police or fire departments on account of any political, partisan service rendered by him or on account of political sentiments or affiliations, ~~or who is under twenty one (21) years of age or over forty (40), unless the applicant has had as much as five (5) years' experience as a regular policeman or firefighter and is not over fifty five (55) years of age.~~ No member of the police or fire departments shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the police and fire departments shall depend solely upon the ability and willingness of a person to comply with the rules of the said departments and to perform the duties of said

departments. No appointment to or continuance as a member of a police or fire department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds.

- (3) The examination and qualifications provided for in this section shall not apply to the members of the regular police and fire departments at this time, who have been continuously in the service for a period of three (3) years.
- (4) Members of police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of KRS 95.761 to 95.784 shall not prevent the said city legislative body from increasing or decreasing the number of policemen or firefighters, as may be deemed proper from time to time, and provided further, that in the event the said city legislative body decreases the number of policemen or firefighters, the youngest member in point of service shall be the first to be reduced and returned to the eligible list and to advance according to the rules and regulations of said department.
- (5) The civil service commission may provide that appointments for initial permanent employment may be probationary appointments for a period of not more than twelve (12) months, after which probationary period regular appointments shall be given to all probationary employees who are deemed to be satisfactory by the respective appointing authority.

**Section 8. KRS 95.765 is amended to read as follows:**

**KRS 95.765**

- (1) (a) No member of the police or fire departments shall be removed from the department or reduced in grade upon any reason except inefficiency, misconduct, insubordination or violation of law, or violation of the rules adopted for the departments.
  - (b) Any person may **file a complaint** ~~prefer charges~~ against a member of the **fire department** ~~police or fire departments~~, which shall ~~must~~ be filed in the office of the mayor, who shall ~~notify thereupon~~ ~~communicate said charges~~ ~~without delay~~ to the legislative body **without delay. Any person may file a complaint against a member of the police department under KRS 15.520.**
  - (c) **Any complaint shall** ~~Said charges must~~ be written, signed by the person making **the allegations**, ~~such charges~~ and **shall** ~~must~~ set out with clearness and distinctness each and every **allegation** ~~charge~~.
  - (d) **Subject to the provisions of KRS 15.520**, it shall be the duty of the mayor and ~~each member of~~ the legislative body, whenever probable cause appears, to



prefer charges against any member of the police or fire departments whom he or she believes to have been guilty of any conduct justifying his *or her* removal or punishment in the interest of public order.

(e) The charges ~~thus~~ filed shall be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all ~~said~~ charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issue so presented.

(f) All charges against members of the police or fire departments shall be filed with the clerk of the legislative body. ~~and~~ Within **ten (10)** ~~three (3)~~ days after ~~said~~ filing, the legislative body shall proceed to hear and examine the ~~said~~ charges **unless otherwise agreed by the legislative body and the member charged**; provided **five (5)** ~~two (2)~~ days before the ~~said~~ hearing the member of ~~the police or fire departments, accused,~~ has been served with a copy of **the said** charges, and a statement of the day, place, and hour at which and when the hearing of **the said** charges shall begin.

(g) The **member** ~~person~~ accused may ~~however, in writing,~~ waive the service of the ~~said~~ charges **in writing**, and demand trial within **ten (10)** ~~three (3)~~ days after the ~~said~~ charges are filed with the clerk of the ~~said~~ legislative body.

(h) The legislative body **shall will** have the power to summon and compel the attendance of witnesses at all hearings or sittings by **the said** body, upon subpoena issued by the clerk of **the said** body, and served upon **the said** witnesses by any officer authorized to serve subpoenas from any court of justice in the county. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he *or she* may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court.

(i) The **member accused** ~~member of the police or fire department, the accused,~~ shall have the right to have subpoenaed, **on his or her** ~~in his~~ behalf, any witness he *or she* may desire, upon furnishing their names to the clerk of **the said** body, and the action and decision of **the said** body on the ~~said~~ charges shall be reduced to writing and shall be entered in a book to be kept for that purpose by the clerk of **the said** legislative body, and the written charges filed in this matter shall be preserved and securely attached to the book containing the legislative body's decisions.

- (2) (a) In cases where the mayor or chief has probable cause to believe that a member of the police or fire department has been guilty of any conduct justifying removal or punishment, he *or she* may suspend **the said** member from duty, or from both

pay and duty, pending ~~said~~ trial, and **the said** member shall not be placed on duty or allowed pay thereafter until the charges are heard by the legislative body.

(b) **The said** body shall fix punishment against a member of the police or fire departments found guilty of any charge under KRS 95.761 to 95.784, by reprimand **in writing** or suspension for any length of time in their judgment, not to exceed six (6) months, or by reducing the grade, if the accused be chief or other officer, or by combining any two (2) or more of **the said** punishments, or by removal or dismissal from the service of any such member of the police or fire department.

(c) No member of the police or fire department except as provided in KRS 95.761 to 95.784 shall be reprimanded **in writing**, removed, suspended, or dismissed from the department until written charges have been made, or preferred against him, and a trial had as herein provided.

**(3) This section shall only apply to a member of the police department when the provisions of KRS 15.520 do not apply.**

**Section 9. KRS 337.285 is amended to read as follows:**

**KRS 337.285**

- (1) No employer shall employ any of his employees for a work week longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at which he is employed.
- (2) This provision shall not apply to the following:
  - (a) Employees of retail stores engaged in work connected with selling, purchasing, and distributing merchandise, wares, goods, articles, or commodities;
  - (b) Employees of restaurant, hotel, and motel operations;
  - (c) Employees as defined and exempted from the overtime provision of the Fair Labor Standards Act in Sections 213(b)(1), 213(b)(6), 213(b)(10), and 213(b)(17) of Title 29, U.S.C.;
  - (d) Employees whose function is to provide twenty-four (24) hour residential care on the employer's premises in a parental role to children who are primarily dependent, neglected, and abused and who are in the care of private nonprofit

childcaring facilities licensed by the Cabinet for Health and Family Services under KRS 199.640 to 199.670; or

(e) Any individual who is employed by a third-party employer or agency other than the family or household using his or her services to provide in-home companionship services for a sick, convalescing, or elderly person.

(3) As used in subsection (2) of this section, "companionship services" means those services which provide in-home fellowship, care, and protection for a person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. These services may include household work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. They may also include the performance of general household work, provided that the household work is incidental, i.e., does not exceed twenty percent (20%) of the total weekly hours worked. The term "companionship services" does not include services relating to the care and protection of the aged or infirm which require and are performed by trained personnel, such as a registered or practical nurse.

(4) Notwithstanding the provisions of subsection (1) of this section or any other chapter of the KRS to the contrary, upon written request by a county or city employee or a Trooper R Class or CVE R Class, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee or the Trooper R Class or CVE R Class before the performance of the work, a county or city employee or a Trooper R Class or CVE R Class who is authorized to work one (1) or more hours in excess of the prescribed hours per week may be granted compensatory leave on an hour-for-hour basis. Upon the written request by a county or city employee or a Trooper R Class or CVE R Class, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee or the Trooper R Class or CVE R Class, before the performance of the work, a county or city employee or a Trooper R Class or CVE R Class who is not exempt from the provisions of the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., may be granted compensatory time in lieu of overtime pay, at the rate of not less than one and one-half (1-1/2) hours for each hour the county or city employee or the Trooper R Class or CVE R Class is authorized to work in excess of forty (40) hours in a work week.

(5) (a) Upon the request of the county or city employee or the Trooper R Class or CVE R Class, and as provided in subsection (4) of this section, compensatory time shall be awarded as follows:

1. A county or city employee who provided work in excess of forty (40) hours in a public safety activity, an emergency response activity, or a seasonal activity as described in 29 C.F.R. sec. 553.24, may

accrue not more than four hundred eighty (480) hours of compensatory time; or

2. A county or city employee or a Trooper R Class or CVE R Class engaged in other work in excess of forty (40) hours, may accrue not more than two hundred forty (240) hours of compensatory time.

(b) A county or city employee or a Trooper R Class or CVE R Class who has accrued four hundred eighty (480) hours of compensatory time off pursuant to paragraph (a)1. of this subsection, or two hundred forty (240) hours of compensatory time off pursuant to paragraph (a)2. of this subsection, shall for additional overtime hours of work, be paid overtime compensation.

- (6) A county or city employee or a Trooper R Class or CVE R Class who has accrued compensatory time off as provided in subsection (4) of this section, and who requested the use of compensatory time, shall be permitted by the employer to use the compensatory time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer. Mere inconvenience to the employer shall not constitute a sufficient basis for denial of a county or city employee's request or a Trooper R Class or CVE R Class request for compensatory time off.
- (7) If compensation is paid to a county or city employee or a Trooper R Class or CVE R Class for accrued compensatory time off, the compensation shall be paid at the regular rate earned by the county or city employee or the Trooper R Class or CVE R Class at the time the county or city employee or the Trooper R Class or CVE R Class receives the payment.
- (8) Upon a county or city employee's termination of employment or the termination of employment of a Trooper R Class or CVE R Class, all unused accrued compensatory time shall be paid at a rate of compensation not less than:
- (a) The average regular rate received by the county or city employee or the Trooper R Class or CVE R Class during the last three (3) years of the employment of the county or city employee or Trooper R Class or CVE R Class; or
- (b) The final regular rate received by the county or city employee or Trooper R Class or CVE R Class, whichever is higher.
- (9) Compensatory time shall not be used as a means to avoid statutory overtime compensation. A county or city employee or a Trooper R Class or CVE R Class shall have the right to use compensatory time earned and shall not be coerced to accept more compensatory time than an employer can realistically and in good faith expect to be able to grant within a reasonable period upon the county or city employee or the Trooper R Class or CVE R Class making the request for compensatory time off.

- (10) Nothing in subsections (4) to (9) of this section shall be construed to supersede any collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representative of the county or city employees or the Trooper R Class or CVE R Class.
- (11) As used in subsections (4) to (9) of this section:
- (a) "County or city employee" means an employee of any county, city, charter county, consolidated local government, unified local government, or urban-county government, including an employee of a county or city elected official;
- (b) "CVE R Class" has the same meaning as in KRS 16.010; and
- (c) "Trooper R Class" has the same meaning as in KRS 16.010.
- (12) In addition to the designation of a work week under subsection (1) of this section, local governments, as defined in KRS 95A.210(5), may designate a work period for professional firefighter employees as defined in KRS 95A.210. The designated work period shall be not less than one (1) work week of seven (7) consecutive days and not more than four (4) work weeks of twenty-eight (28) consecutive days for purposes of complying with the requirements of the Federal Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq. This subsection shall not exempt local governments from complying with the overtime requirements set forth in subsection (1) of this section and is intended to:
- (a) Clarify the option to designate both a work week for compliance with Kentucky law and a work period for compliance with the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq.; and
- (b) Allow for the application of the partial exemption set forth in 29 U.S.C. sec. 207(k) in determining overtime pay under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., only.
- (13) (a) A law enforcement department of a consolidated local government organized under KRS Chapter 67C **or a city of the home rule class** shall not be deemed to have violated subsection (1) of this section with respect to the employment of a peace officer if:
1. The officer works eighty (80) hours or less in a work period of fourteen (14) consecutive days; and
  2. a. **For a law enforcement department of a consolidated local government organized under KRS Chapter 67C**, the law

enforcement department and a representative of a collective bargaining unit certified under KRS 67C.408 that includes the officer agree to the exception; or

- b. For a law enforcement department of a city of the home rule class, the law enforcement department and a representative of a collective bargaining unit recognized by the city to collectively bargain for the officer, if there is a collective bargaining unit, agree to the exception. If there is no collective bargaining unit representing the officer in a city of the home rule class, only the requirement in subparagraph 1. of this paragraph shall be met.***

(b) It is the intent of this subsection to allow the employment of a peace officer for longer than forty (40) hours in any seven (7) consecutive days within a fourteen (14) day work period without incurring the obligation to pay a rate of not less than one and one-half (1-1/2) times the officer's hourly wage under subsection (1) of this section.

Returned to Secretary of State – April 11, 2022.  
Became law without Governor's signature – April 12, 2022.  
2022 Kentucky Acts Chapter 191 (HB 414).

## HOUSE BILL 562 – FIRST RESPONDERS<sup>5</sup>

***Section 1. KRS 15.518 is amended to read as follows:***

### **KRS 15.518**

- (1) As used in this section, unless the context requires otherwise:
- (a) "Commissioner" means the commissioner of the department;
  - (b) "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
  - (c) "Fund" means the Law Enforcement Professional Development and Wellness Program fund established in subsection (8) of this section; and
  - (d) "Program" means the Law Enforcement Professional Development and Wellness Program established in this section.

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<sup>5</sup> Editor's Note: Only those sections of this legislation relevant for law enforcement are included.

- (2) The department shall develop a Law Enforcement Professional Development and Wellness Program.
- (3) The program shall use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes.
- (4) The program shall be offered to Kentucky law enforcement officers at least two (2) times each calendar year.
- (5) On a limited basis, the program may be offered to law enforcement officers from states other than Kentucky upon application to and approval by the commissioner. However, no Kentucky law enforcement officers may be denied admission to the program if law enforcement officers from another state are admitted to the program.
- (6) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:
  - (a) The required qualifications and duties of any person used by the department to implement or administer the program;
  - (b) The curriculum, programming, seminar type, and treatment modalities used in the program;
  - (c) The extent to which a participating officer's relatives or friends may participate in seminars;
  - (d) The standards by which law enforcement officers from other states may be accepted into the program by the commissioner; and
  - (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal law enforcement agencies and officers in administering the program.
- (7)
  - (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of an officer's participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating officer is the holder of the privilege.
  - (b) The department may use anonymous data for research, statistical analysis, and educational purposes.

- (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.
- (8) (a) There is hereby established in the State Treasury a restricted fund to be known as the Law Enforcement Professional Development and Wellness Program fund.
- (b) The fund shall consist of moneys received from the Kentucky Law Enforcement Foundation Program fund established in KRS 15.430, grants, gifts, state appropriations, and federal funds.
- (c) The fund shall be administered by the department.
- (d) Amounts deposited in the fund shall be used only for administration of the program.
- (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (9) (a) ***For the purposes of this subsection, "critical incident" means any event that has a stressful impact sufficient enough to overwhelm a peace officer's usual coping strategies. These events may include:***
- 1. An officer-involved shooting;***
  - 2. A vehicle crash resulting in serious injury or death to an officer or citizen;***
  - 3. An officer being the victim of a felonious assault;***
  - 4. The death of a colleague or partner;***
  - 5. The death of, or serious injury to, a person in the custody of the officer;***



6. *The severe injury to, or death of, a child, particularly if the officer has a child of or near the same age; or*

7. *An incident involving multiple deaths or injuries in a short amount of time.*

*(b) Any peace officer involved directly in a critical incident may take up to forty-eight (48) hours of leave immediately following a critical incident. This leave may commence upon:*

*1. The completion of that peace officer's shift encompassing the critical incident, or when all necessary administrative procedures relating to a critical incident have been completed; and*

*2. The officer informs his or her supervisor.*

*(c) This leave may be unpaid or paid leave. The pay status is to be determined by the officer's employment contract, collective labor agreement if any, or by written departmental policy.*

*(d) This subsection shall not be construed to set aside any employment contract, labor agreement, or departmental policies that grant more than forty-eight (48) hours of leave following an officer involved critical incident.*

\* \* \*

**Section 3. KRS 337.100 is amended to read as follows:**

**KRS 337.100**

(1) No employer shall terminate an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency because that employee, when acting as a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency, is absent or late to the employee's employment in order to respond to an emergency prior to the time the employee is to report to his or her place of employment.

(2) ***No employer shall terminate an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency because that employee, when acting as a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency, takes leave following a critical incident pursuant to Sections 1 and 2 of this Act.***

- (3)** ~~(2)~~ An employer may charge any time that an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency loses from employment because of the employee's response to an emergency against the employee's regular pay.
- (4)** ~~(3)~~ An employer may request an employee who loses time from the employee's employment to respond to an emergency to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department, rescue squad, emergency medical services agency, law enforcement agency, or the director of the emergency management agency stating that the employee responded to an emergency and listing the time and date of the emergency.
- (5)** ~~(4)~~ No employer shall terminate an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency who is absent for a period of no more than twelve (12) months from the employee's employment because of injuries incurred in the line of duty. The volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency shall provide, at the request of his or her employer:
- (a) A written statement from the supervisor, acting supervisor, or director of the volunteer fire department, rescue squad, emergency medical services agency, law enforcement agency, or emergency management agency under whose command the employee was on active duty and on assignment with that fire department, rescue squad, emergency medical services agency, law enforcement agency, or emergency management agency when the injury occurred; and
  - (b) A written statement from at least one (1) licensed and practicing physician stating that the volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency is injured and a date for the employee's return to work.
- (6)** ~~(5)~~ Any employee that is terminated in violation of the provisions of this section may bring a civil action against his or her employer. The employee may seek reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and where seniority rights are granted, the reinstatement of seniority rights. In order to recover, the employee shall file this action within one (1) year of the date of the violation of this section.

Signed by Governor – April 8, 2022.  
2022 Kentucky Acts Chapter 94 (HB 562).

## HOUSE BILL 565 – CRIMINAL JUSTICE TRAINING

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

### **KRS 15A.070**

- (1) The Department of Criminal Justice Training shall:
- (a) Establish, supervise, and coordinate training programs and schools for law enforcement personnel, subject to the limitations of KRS 15.440(1)(d) and (e) and 15.560, and any other justice or non-law enforcement-related personnel as prescribed by the secretary; and
  - (b) Promulgate an administrative regulation pursuant to KRS Chapter 13A by September 1, 2022, to establish procedures and participation requirements for basic training and annual in-service course instruction to be offered electronically and online through remote learning. The administrative regulation shall include the following provisions:
    - 1. By no later than January 1, 2024, at least ten percent (10%) of the total hours of course instruction required to be completed for basic training under KRS 15.440(1)(d) be made available electronically and online for candidates to complete through remote learning;
    - 2. By no later than January 1, 2025, at least thirty percent (30%) of the total course instruction required to be completed by an officer for annual in-service training under KRS 15.440(1)(e) that is offered or sponsored by the Department of Criminal Justice Training be made available electronically and online to complete through remote learning;
    - 3. The instruction provided by the Department of Criminal Justice Training under this paragraph shall not be in subject areas that require the demonstration or use of physical skill for the purposes of evaluating the participant's proficiency;
    - 4. The course offerings and instruction required to be provided under subparagraph 2. of this paragraph be available throughout the entire calendar year and spread over a reasonable period of time so as not to require attendance or participation for the entirety of a single work week; and
    - 5. Any other reasonable procedures and rules to ensure the attendance, active participation, and successful mastery of the subject matters

presented in the courses it provides electronically and online through remote learning under this paragraph are established.

- (2) The Department of Criminal Justice Training shall make a continuing study of law enforcement training standards and upon request may furnish information relating to standards for recruitment, employment, promotion, organization, management, and operation of any law enforcement agency in Kentucky.
- (3) The Department of Criminal Justice Training shall conduct continuing research on criminal law and criminal justice subjects related to law enforcement training.
- (4) The Department of Criminal Justice Training may by administrative regulation provide for administrative hearings to be conducted in accordance with KRS Chapter 13B.
- (5) The commissioner of the Department of Criminal Justice Training may promulgate administrative regulations in accordance with KRS Chapter 13A.
- (6)
  - (a) Nothing in subsection (1)(b) of this section shall be interpreted to be an independent study as defined in 38 C.F.R. sec. 21.4267.
  - (b) In order to ensure that a qualified trainee shall receive all Post-9/11 GI Bill benefits, or any other similar federal benefits related to military service, to which the trainee is entitled to receive while participating in basic training provided by the Department of Criminal Justice Training pursuant to KRS 15.440(1)(d), the following shall apply in the event that the Kentucky Approving Agency for Veterans Education within the Kentucky Community and Technical College System classifies the training provided pursuant to subsection (1)(b) of this section as independent study as defined in 38 C.F.R. sec. 21.4267:
    1. The Kentucky Approving Agency for Veterans Education shall seek a formal opinion of the United States Department of Veterans Affairs regarding its decision to classify the program as independent study;
    2. If the United States Department of Veterans Affairs will not issue a formal opinion or determines or otherwise agrees that the program qualifies as independent study under federal regulations, the Department of Criminal Justice Training shall make available in-person course instruction to those who receive Post-9/11 GI Bill benefits, or any other similar federal benefits related to military service, as long as this offering meets criteria established under federal laws and regulations, provided that the Department of Criminal Justice Training and Kentucky Approving Agency for Veterans Education seeks a formal opinion of the United States Department of Veterans Affairs regarding any criteria that is relied upon to attempt to disqualify the agency;

3. If the Department of Criminal Justice Training cannot provide in-person instruction as provided in subparagraph 2. of this paragraph because of a final determination that the trainee would be disqualified from receiving benefits during his or her participation in the program, the Department of Criminal Justice Training shall cause to be paid to the trainee an amount equal to the benefits the trainee would have received under the Post-9/11 GI Bill benefits or any other similar federal benefits related to military service had the program or instruction not been disqualified. The amount shall be paid to the trainee from the Kentucky Law Enforcement Foundation Program fund under KRS 15.430; and
4. In the event that insufficient funds exist in the Kentucky Law Enforcement Foundation Program fund established pursuant to KRS 15.430 to meet the obligations provided in subparagraph 3. of this paragraph, the law enforcement agency employing the trainee shall cause to be paid to the trainee an amount equal to the benefits the trainee would have received under the Post-9/11 GI Bill benefits or any other similar federal benefits related to military service had the program or instruction not been disqualified.

Returned to Secretary of State – April 8, 2022.

Became law without Governor's signature – April 10, 2022.

2022 Kentucky Acts Chapter 91 (HB 565).