

1 AN ACT relating to peace officer contracts.

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

3 ➔Section 1. KRS 16.050 is amended to read as follows:

- 4 (1) The commissioner shall appoint or promote to the ranks and grades and positions of
5 the department such officers as are considered by him or her to be necessary for the
6 efficient administration of the department. The Kentucky State Police shall conduct
7 a biennial salary survey, and the findings of the salary survey shall be included in
8 the department's budget request submitted to the Kentucky General Assembly.
- 9 (2) All initial appointments of officers to the department shall be made for merit and
10 fitness after a competitive examination.
- 11 (3) There is created a Department of Kentucky State Police Personnel Board consisting
12 of the commissioner and four (4) other members to be appointed by the Governor,
13 two (2) to be appointed from each of the two (2) major political parties.
- 14 (4) The initial appointment of members of the board shall be for terms of one (1), two
15 (2), three (3), and four (4) years. Thereafter each appointment shall be for a term of
16 four (4) years, except that a person appointed to fill a vacancy occurring prior to the
17 expiration of a term shall be appointed for the remainder of that term.
- 18 (5) Members of the board may be removed by the Governor only for cause, after being
19 given a copy of charges against them and an opportunity to be heard publicly on
20 such charges before the Governor.
- 21 (6) The board shall elect one (1) of its members chairman. It shall meet at such time
22 and place as shall be specified by call of the commissioner. Three (3) members
23 shall constitute a quorum for the transaction of business. Members of the board
24 other than the commissioner shall receive compensation of fifty dollars (\$50) and
25 reimbursement of travel expenses for each meeting of the board which they attend.
- 26 (7) The board shall promulgate administrative regulations to carry out the purposes
27 herein, which shall include provisions for:

- 1 (a) Open competitive examination as to fitness of applicants for employment as
2 officers; and
- 3 (b) Establishment of eligible lists as a result of such competitive examinations,
4 from which lists vacancies shall be filled.
- 5 (8) The board shall hear appeals from applicants for employment for which
6 examinations are being given or have been conducted and from eligibles on
7 examination registers subject to the procedural rules which the board may adopt
8 pursuant to the provisions of this section.
- 9 (9) (a) ~~[[Prior to appointment as]~~A Cadet Trooper~~[,]~~ **appointed on or after the**
10 **effective date of this Act,**~~[[all applicants]]~~ shall agree in writing that if, within
11 **five (5)**~~[[three (3)]]~~ years of completing the basic training course offered by the
12 department, he or she accepts employment as a peace officer with another law
13 enforcement agency, or accepts employment with another type of agency or
14 entity in a position that requires law enforcement training to meet the
15 qualifications for the position, he or she will repay to the department the cost
16 incurred by the department in providing training to the officer to the extent
17 repayment has not been made by the agency with which the officer accepts
18 employment under paragraph (b) or (c) of this subsection.
- 19 (b) If the officer accepts employment as a peace officer with another state agency
20 or a state university or educational institution within Kentucky within three
21 (3) years of completing the basic training course offered by the department,
22 the agency, university, or educational institution shall reimburse the
23 department for costs incurred in providing training to the officer.
- 24 (c) If the officer accepts employment with a city, county, or other local law
25 enforcement agency within Kentucky within **five (5)**~~[[three (3)]]~~ years of
26 completing the basic training course offered by the department, KRS 70.290
27 shall apply as well~~[[, except that the amount of the reimbursement shall not be~~

1 ~~prorated as provided in KRS 70.290].~~

2 ➔Section 2. KRS 70.290 is amended to read as follows:

- 3 (1) (a) City and county law enforcement agencies, including sheriff's offices, may, as
4 a condition of employment, require a newly appointed deputy sheriff or peace
5 officer who will participate in the Kentucky Law Enforcement Foundation
6 Fund Program, authorized by KRS 15.410 to 15.510, to enter into an
7 employment contract for a period of no longer than five (5)~~three (3)~~ years
8 from the date of graduation from the Department of Criminal Justice Training,
9 or other training approved by the Kentucky Law Enforcement Council.
- 10 (b) If a deputy sheriff or peace officer who has entered into a contract authorized
11 under this subsection accepts employment as a peace officer with another law
12 enforcement agency, *including a local school board that has established a*
13 *police department under KRS 158.471*, that law enforcement agency shall
14 reimburse the law enforcement agency that initially hired the deputy sheriff or
15 peace officer for the actual costs incurred and expended by the law
16 enforcement agency that initially hired the deputy sheriff or peace officer
17 which are associated with the initial hiring of that officer, including but not
18 limited to the application process, training costs, equipment costs, salary and
19 fringe benefits. The law enforcement agency that initially hired the deputy
20 sheriff or peace officer shall be reimbursed for the costs from the time of the
21 deputy sheriff or peace officer's initial application until graduation from the
22 Department of Criminal Justice Training.
- 23 (c) 1. For contracts entered into before June 29, 2017, the amount of
24 reimbursement authorized by this subsection shall be prorated based
25 upon the percentage of time that the deputy sheriff or peace officer
26 completed of his or her employment contract. The amount of
27 reimbursement authorized by this subsection after the pro rata amount is

1 calculated shall be reduced by the cost of the training provided by the
2 Department of Criminal Justice Training for the subject officer.

3 2. For contracts entered into on or after June 29, 2017, the amount of
4 reimbursement authorized by this subsection shall not be prorated, and
5 shall be for the full amount as calculated in paragraph (b) of this
6 subsection.

7 (2) If a peace officer, **including a university police officer,** who has been employed by
8 a state law enforcement agency for **five (5)**~~three (3)~~ years or less accepts
9 employment as a peace officer with a city or local law enforcement agency,
10 **including a local school board that has established a police department under**
11 **KRS 158.471,** that city or local law enforcement agency shall reimburse the state
12 law enforcement agency that initially hired the peace officer for the costs expended
13 with the initial hiring of that officer, including but not limited to the application
14 process, training costs, equipment costs, salary and fringe benefits. The state law
15 enforcement agency that initially hired the peace officer shall be reimbursed for the
16 costs incurred and expended from the time of the peace officer's initial application
17 until graduation from a Kentucky Law Enforcement Council approved training
18 academy. ~~The amount of reimbursement authorized by this subsection shall be~~
19 ~~prorated based upon the percentage of time that the peace officer has been~~
20 ~~employed.]~~

21 ➔Section 3. KRS 150.090 is amended to read as follows:

22 (1) The commissioner shall appoint, promote, or take other employment actions to the
23 ranks, grades, and positions of the department conservation officers who are
24 considered by the commissioner to be necessary for the efficient administration of
25 the department.

26 (2) Conservation officers appointed by the commissioner shall have full powers as
27 peace officers for the enforcement of all of the laws of the Commonwealth,

1 including the administrative regulations promulgated pursuant to KRS Chapters 150
2 and 235 and to serve process.

3 (3) Each conservation officer is individually vested with the powers of a peace officer
4 and shall have in all parts of the state the same powers with respect to criminal
5 matters and enforcement of the laws relating thereto as sheriffs, constables, and
6 police officers in their respective jurisdictions, and shall possess all the immunities
7 and matters of defense now available or hereafter made available to sheriffs,
8 constables, and police officers in any suit brought against them in consequence of
9 acts done in the course of their employment and within the scope of their duties.
10 Any warrant of arrest may be executed by any officer of the department.

11 (4) Conservation officers charged with the enforcement of this chapter and the
12 administrative regulations issued thereunder shall have the right to go upon the land
13 of any person or persons whether private or public for the purpose of the
14 enforcement of laws or orders of the department relating to game or fish, while in
15 the normal, lawful and peaceful pursuit of such investigation or work or
16 enforcement, may enter upon, cross over, be upon, and remain upon privately
17 owned lands for such purposes, and shall not be subject to arrest for trespass while
18 so engaged or for such cause thereafter. They may arrest on sight, without warrant,
19 any person detected by them in the act of violating any of the provisions of this
20 chapter. They shall have the same rights as sheriffs to require aid in arresting with
21 or without process any person found by them violating any of the provisions of this
22 chapter and may seize without process anything declared by this chapter to be
23 contraband. No liability shall be incurred by any person charged or directed in the
24 enforcement of this chapter.

25 (5) Conservation officers and other officers charged with the enforcement of this
26 chapter, shall have the authority to call for and inspect the license or tag, bag or
27 creel of any person engaged in any activity for the performance of which a license

1 is required under this chapter, and shall also have the authority to take proper
2 identification of any person, or hunter, or fisherman who is actually engaged in any
3 of these activities, and to call for and inspect any and all firearms and any other
4 device that may be used in taking wildlife and is in the possession of any person so
5 engaged.

6 (6) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or
7 in any other manner interfere with any officer in the discharge of his duties under
8 the provisions of this chapter. This subsection shall not apply to a criminal
9 homicide or an assault upon such officer. An assault upon such officer shall be
10 deemed an offense under KRS Chapter 507 or 508, as appropriate.

11 **(7) The commissioner may, as a condition of employment, require a newly appointed**
12 **department conservation officer to enter into an employment contract for a period**
13 **of no longer than five (5) years from the date of appointment. If a department**
14 **conservation officer who entered into a contract authorized under this subsection**
15 **accepts employment as a peace officer with another law enforcement agency, that**
16 **law enforcement agency shall reimburse the department for the actual costs**
17 **incurred and expended by the department that are associated with the initial**
18 **hiring of that department conservation officer, including but not limited to the**
19 **application process, training costs, equipment costs, salary, and fringe benefits.**
20 **The department shall be reimbursed for the costs from the time of department**
21 **conservation officer initial application until appointment.**

22 ➔Section 4. KRS 158.477 is amended to read as follows:

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

1 (2) (a) The local board of education may, as a condition of employment, require a
 2 newly appointed department officer to enter into an employment contract
 3 for a period of no longer than five (5) years from the date of appointment.

4 (b) If a department officer who entered into a contract authorized under this
 5 subsection accepts employment as a peace officer with another law
 6 enforcement agency, that law enforcement agency shall reimburse the local
 7 board of education that initially hired the department officer for the actual
 8 costs incurred and expended by the local board of education that are
 9 associated with the initial hiring of that department officer, including but
 10 not limited to the application process, training costs, equipment costs,
 11 salary, and fringe benefits. The local board of education that initially hired
 12 the department officer shall be reimbursed for the costs from the time of the
 13 department officer's initial application until appointment.

14 ➔Section 5. KRS 183.881 is amended to read as follows:

15 (1) Safety and security officers so appointed shall be peace officers and conservators of
 16 the peace. They shall have general police powers to arrest, without process, all
 17 persons who within their view commit any crime or misdemeanor. They shall
 18 possess all of the common law and statutory powers, privileges, and immunities of
 19 sheriffs, except that they shall be empowered to serve civil process to the extent
 20 authorized by the employing airport board. Without limiting the generality of the
 21 foregoing, such safety and security officers are hereby specifically authorized and
 22 empowered, and it shall be their duty:

23 (a) To preserve the peace, maintain order and prevent unlawful use of force or
 24 violence or other unlawful conduct on the airport facility of their respective
 25 airport board, and to protect all persons and property located thereon from
 26 injury, harm and damage;

27 (b) To enforce, and to assist officials of their respective airport boards in the

1 enforcement of the lawful rules and regulations of said airport board, and to
2 assist and cooperate with the law enforcement agencies and officers.

3 Provided, however, that such safety and security officers shall exercise the powers
4 herein granted upon any real property owned or occupied by their respective airport
5 boards including the streets passing through and adjacent thereto. Said powers may
6 be exercised in any county of the Commonwealth where the airport board owns,
7 uses, or occupies property. Additional jurisdiction may be established by agreement
8 with the chief of police of the municipality or sheriff of the county or the
9 appropriate law enforcement agency in which such property is located, dependent
10 upon the jurisdiction involved.

11 (2) Safety and security officers may exercise their powers away from the locations
12 described in subsection (1) of this section only upon the following conditions:

- 13 (a) When in hot pursuit of an actual or suspected violator of the law;
- 14 (b) When authorized to do so pursuant to the agreement authorized by subsection
15 (1) of this section;
- 16 (c) When requested to act by the chief of police of the city or county in which the
17 airport board's property is located;
- 18 (d) When requested to act by the sheriff of the county in which the airport board's
19 property is located;
- 20 (e) When requested to act by the commissioner of the Department of Kentucky
21 State Police;
- 22 (f) When requested to act by the authorized delegates of those persons or
23 agencies listed in paragraph (c), (d), or (e) of this subsection;
- 24 (g) When requested to assist a state, county, or municipal police officer, sheriff,
25 or other peace officer in the performance of his or her lawful duties; or
- 26 (h) When operating under an interlocal cooperation agreement pursuant to KRS
27 Chapter 65.

- 1 (3) Safety and security officers appointed pursuant to KRS 183.110 and 183.880 to
2 183.886 shall have, in addition to the other powers enumerated herein, the power to
3 conduct investigations anywhere in this Commonwealth, provided such
4 investigation relates to criminal offenses which occurred on property owned, leased,
5 or controlled by the airport board. Where desirable and at the discretion of the
6 airport board's police officials, the airport board's safety and security department
7 may coordinate said investigations with any law enforcement agency of this
8 Commonwealth or with agencies of the federal government.
- 9 (4) Safety and security departments created and operated by the airport boards shall, for
10 all purposes, be deemed public police departments and the sworn safety and
11 security officers thereof are, for all purposes, deemed public police officers.
- 12 (5) Nothing in KRS 183.110 and 183.880 to 183.886 shall be construed as a diminution
13 or modification of the authority or responsibility of any city or county police
14 department, the Department of Kentucky State Police, sheriff, constable granted
15 police powers, or other peace officer either on the property of an airport board or
16 otherwise. Nor shall anything in KRS 183.110 and 183.880 to 183.886 be construed
17 as a diminution or modification of the authority or responsibility of any constable.
- 18 **(6) (a) Public airport boards may, as a condition of employment, require a newly**
19 **appointed safety and security officer who will participate in the Kentucky**
20 **Law Enforcement Foundation Program Fund, authorized by KRS 15.410 to**
21 **15.510, to enter into an employment contract for a period of no longer than**
22 **five (5) years from the date of graduation from the Department of Criminal**
23 **Justice Training or other training approved by the Kentucky Law**
24 **Enforcement Council.**
- 25 **(b) If a safety and security officer who entered into a contract authorized under**
26 **this subsection accepts employment as a peace officer with another law**
27 **enforcement agency, that law enforcement agency, including a local school**

1 *board that has established a police department under KRS 158.471, shall*
2 *reimburse the law enforcement agency that initially hired the safety and*
3 *security officer for the actual costs incurred and expended by the law*
4 *enforcement agency that initially hired the safety and security officer that*
5 *are associated with the initial hiring of that officer, including but not*
6 *limited to the application process, training costs, equipment costs, salary,*
7 *and fringe benefits. The law enforcement agency that initially hired the*
8 *safety and security officer shall be reimbursed for the costs from the time of*
9 *the safety and security officer's initial application until graduation from the*
10 *Department of Criminal Justice Training.*

11 ➔Section 6. A Cadet Trooper appointed prior to the effective date of this Act who
12 agreed in writing that, if within three years of completing the basic training course
13 offered by the department, he or she accepts employment as a peace officer with another
14 law enforcement agency or accepts employment with another type of agency or entity in
15 a position that requires law enforcement training to meet qualifications for the position, is
16 responsible for reimbursing the department the cost incurred by the department in
17 providing training to the officer to the extent repayment has not been made by the agency
18 with which the officer accepts employment under subsection (9) of Section 1 of this Act.