



## KACP FINAL LEGISLATIVE REPORT 2020 KY GENERAL ASSEMBLY SESSION

The State Capitol in Frankfort shut down due to the COVID-19 virus. Daily briefings from Gov. Beshear on the virus. Legislators, unable to gather because of social distancing, casting votes by text. Rather than the traditional two-year budget, lawmakers enact an unprecedented one-year spending plan.

There has never been quite a year in the Kentucky General Assembly, at least not in recent memory, like 2020.

KACP was successful in helping pass and support bills that benefitted law enforcement; worked against and help defeat legislation that would have been detrimental to law enforcement; worked well with the KY Sheriff's Association (KSA) and the KY League of Cities (KLC); and forged a solid relationship with the new administration.

Due to the COVID-19 lockdown of the State Capitol and adjacent Capitol Annex building, where committee meetings are held and legislative offices are located, direct contact with legislators and staff was difficult if not impossible. That hampered efforts to enact legislation and amendments in the final weeks and days of the session, but again, KACP can claim some successes from the year's session.

Here is a final look back at the Kentucky General Assembly 2020 legislative session.

### **KACP successes**

#### ***Rehire bill***

On April 15, in the waning hours of the last day of the session, the Senate gave final concurrence to [SB239](#), a bill impacting local government pensions that was sponsored by Sen. Mike Wilson, R-Bowling Green. Working with KLC, KACP was able to amend the bill and add language from [SB226](#), which was sponsored by Sen. Jared Carpenter, R-Richmond, and was one of KACP's main legislative priorities. The amendment makes it easier for local governments to hire retired

officers by stipulating that retired police officers hired by a city shall not count against the limitations of the number of reemployed retirees by the city. The legislation will result in substantial budget savings for many of police departments while providing opportunities for retired law enforcement officers. School districts could also hire retired officers as School Resource Officers (SRO's).

KACP has drafted a letter to the governor explaining the importance of the legislation to law enforcement, schools and local governments and encouraging him to sign it. ***Passed House and Senate. Awaiting Governor's signature.***

### ***Asset forfeiture***

Killing or defeating bad bills is just as important as passing good legislation. Such was the case with [HB322](#), filed by Rep. Savannah Maddox, R-Dry Ridge.

The bill - supported heavily by Americans for Prosperity, the political arm of the powerful Koch brothers organization - proposed an unneeded change to the current Asset Forfeiture Statue would have been an overwhelming expense and a burden to comply with. It also had the potential of compromising criminal investigations. KACP attempted to reach a compromise with Rep. Maddox, and she did agree to make some changes. But ultimately, KACP worked with KSA, the Kentucky Narcotics Association and other organizations in successfully derailing the bill in the session. Calls to key legislators by KACP members and others in law enforcement help decide the bill's fate.

However, Rep. Maddox has filed the bill in each of the last two sessions and could very well be filed again in the 2021 legislative session.

### **Vehicle pursuits**

[HB298](#) was sponsored by Rep. James Tipton, R-Taylorsville. Rep. Tipton worked well with law enforcement which initially had concerns about the bill. But he filed an amendment to addresses some concerns as a result of several meetings with the sponsor, KSA, KACP, DOCJT and KLC. Listed below are some highlights of the changes:

- The major change is that the training will now be required every other year and it will be four hours (original bill was eight hours per year)
- **“Requires all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter a training course, certified by the council, of not less than four (4) hours in emergency vehicle operation”**; The original bill called for this to be done by 12/31/20.
- DOCJT has agreed that they can make training available via video/internet and will supply a certified course for use to departments that have certified driving instructor.

While it does not meet every concern voiced, the bill changed substantially based on our concerns, and the sponsor worked with us in good faith to make it more acceptable to KACP and law enforcement. ***Passed House and Senate. Awaiting Governor's signature.***

### **Casket bill**

[SB111](#) Filed by Sen. Phillip Wheeler, R-Pikeville, the bill ensures that the remains of a fallen first responder – including law enforcement – killed in the line of duty are returned to their family in a casket draped with an American flag. This bill grew out of an unfortunate circumstance when a fallen Pikeville officer was returned to his family on a gurney.

Rep. John Blanton, R-Saylervsille, who has been very supportive of KACP issues and legislation, added an amendment – supported by KACP – that would increase minimum total and permanent in line of duty or duty-related benefits payable to a member of any of the systems administered by the KY Retirement System from 25% to 75% of the member's monthly average pay. However, the amendment was stripped out in the Senate and will be a 2021 KACP legislative priority. *Passed House and Senate. Awaiting Governor's signature.*

### **Accident reconstruction**

[HB253](#) Sponsored by Rep. Daniel Elliott, R-Danville. The bill would have required local law enforcement to investigate all traffic accidents involving a fatality that occur on state-maintained highways. After meeting with KACP, Rep. Elliott amended the bill with a key change; if a law enforcement agency does not have an accident reconstruction unit or does not have a working agreement with another law enforcement agency to perform the investigations, the accident shall be investigated by KSP. This change was requested departments that perform their own investigations or have an agreement with another agency to perform the investigations. Passed House 91-0 but was not called for a vote in the Senate. *Died without a vote.*

### **Gov. Beshear Executive Order on rehiring retired law enforcement**

KACP worked closely with the office of Gov. Andy Beshear on an executive order that allows communities to more quickly hire retired law enforcement officers and help communities deal with COVID-19 without risking the loss of curtailing retirement benefits. Kentucky law allows retirees to be rehired by local communities and other agencies, but the process of receiving authorization from the Kentucky Retirement System can often take months.

[The Owensboro Messenger-Inquirer](#) wrote a story about the order. KACP President Art Ealum and Executive Director Shawn Butler were quoted in the article.

"Although our law enforcement ranks have not been ravaged by this invisible threat, the potential is ever present," Chief Ealum said "The ability to rehire retired police officers without unnecessary delay is a great step toward maintaining peace in our communities. It is comforting to know Gov. Beshear and his administration understands how precarious this pandemic is for all Kentuckians."

### **Expanding KLEC**

[HB 240](#) was sponsored by Rep. Rob Rothenburger, R-Shelbyville. As originally filed, the bill would have added the president of the KY Chapter of the Association of Public Safety Communications Officials and the president of the KY Chapter of the National Emergency Number Association to the Ky Law Enforcement Council (KLEC). The sponsor filed a floor

amendment last week that would add the presidents as non-voting members. The bill passed the House 88-4 but was not called for a vote in the Senate. KACP and other law enforcement organizations and agencies opposed the bill. Died in committee.

### **Retirement issues**

[HB484](#). Heavily pushed by KLC, the bill separated the CERS and KERS systems. You can read more about it [here](#).

More important to KACP is the continuing situation with the Ky Retirement System (KRS) and the delays retired law enforcement are experiencing in receiving permission to return to work. Gov. Beshear's executive order, which was referenced earlier in this report, makes it easier in the short-term during the virus situation. But if you recall, last year KACP worked with KLC and Rep. Bart Rowland, R-Taylorsville, on legislation that was designed to expedite the process.

However, the delays in approvals are continuing. Rep. Rowland and KLC have agreed to meet with KRS officials in the interim to remedy the situation, If not, KACP will work on legislation for the 2021 session that will ensure that it will take less time for retired law enforcement to receive permission to return to work without putting benefits in jeopardy.

### **Budget/KLEFPF**

In an unprecedented move that was forced by the COVID-19 outbreak, rather than passing a two-year budget this year legislators passed a one-year, \$11.3 billion spending plan that eliminated most new spending, including a provision to increase the annual KLEFPF training stipend by 1.9% of the Consumer Price Index (CPI).

KACP will be encouraging legislators and the Beshear administration to include the provision when the second year of the budget is crafted, which could be next January when the legislature will meet for the 2021 legislative session. Or, it could be in a special session that Gov. Beshear could call later this year.

Law enforcement was not alone in being shut out from any new spending. Teachers and state employees were also denied the pay increases that had been included in earlier versions of the budget.

### **Marsy's Law headed to the statewide ballot**

[SB15](#) is the crime victims rights bill known as [Marcy's law](#). Sponsored by Sen. Whitney Westerfield, R-Hopkinsville, the constitutional amendment will appear on the November statewide ballot. It must be passed by a majority of voters to be enacted.

### **Legislation KACP followed**

#### ***HOUSE***

### **HB 76: Keeping firearms from domestic violence offenders**

Sponsored by Rep. Nima Kulkarni, D-Louisville. The bill would require people who are subject of protective orders or convicted of certain domestic violence crimes from possessing a firearm. Assigned to House Judiciary Committee. *Died in committee.*

### **HB89: Hazardous duty employment cleanup bill**

Sponsored by Rep. Jerry Tipton, R-Taylorsville. The bill stipulates that a regular full-time hazardous duty officer participating in KERS or CERS and is also employed in a nonhazardous position that is not considered full-time will participate in the retirement system solely as a hazardous duty member. *Died in committee.*

### **HB136: Medical marijuana**

Sponsored by Rep. Jason Nemes, R-Louisville, the bill passed the House 65-30 but was never called for a vote in the Senate. *Died in committee.*

### **HB137: Sports wagering**

Sponsored by Rep. Adam Koenig, R-Erlanger, would legalize sports betting and regulate online poker and fantasy sports operations in Kentucky. Unanimously passed House Licensing, Occupations and Administrative Regulations Committee but was never called for a full vote of the House. *Died in the House.*

### **HB208: Restores funding to Kentucky's 911 call centers**

Filed by Rep. Rob Rothenburger, R-Shelbyville. The statute governing collection of 911 fees on behalf of wireless Lifeline subscribers was created in 2016 through the passage legislation with broad bipartisan support. HB208 remedies an attempted federal preemption of Kentucky law by closing a potential loophole. It will restore more than \$1 million in funding to local 911 centers. *Passed House and Senate. Signed into law by the Governor.*

### **HB271: Line of duty death benefits**

Sponsored by Rep. John Blanton, R-Salyersville. Bill removed the provisions that reduce line of duty or duty-related death benefits upon remarriage. *Passed House and Senate. Signed into law by the Governor.*

### **HB 343: KLEFPF funding**

Sponsored by Rep. Melinda Gibbons Prunty, R-Greenville, would allow members of joint task forces who do not receive KLEFPF funding to receive the annual training stipend. Did not receive a vote in the House. *Died in committee*

### **HB384: Constable powers**

Once again, this session Rep. Adam Koenig, R-Erlanger, has filed legislation – heavily pushed by KLC – that removes the peace officer powers of untrained constables. The bill has bipartisan

support. House Democratic Floor Leader Judy Jenkins, D-Louisville, was a co-sponsor. But was never called for a committee vote. *Died in committee.*

#### **HB412: Duty-related disability benefits**

Sponsored by two retired KSP troopers - Rep. John Blanton, R-Salyersville, and Rep. Sal Santoro, R-Florence – the bill would have increased total and permanent in line of duty or duty-related disability payments. *Died in committee.*

#### **HB424: Felony threshold raised**

Sponsored by Rep. Ed Massey, R-Hebron, the bill would have raised the threshold of Class D felony theft and fraud from over \$100 to \$500 to over \$1,000. Amounts under \$1,000 would now be a misdemeanor, though a person would be charged with a felony if they commit their third offense within a five-year period. Awaiting action in the. Passed the House but could not get a vote in the Senate. *Died in committee.*

#### **HB460: Custodial interrogations by law enforcement**

Sponsored by Rep. Rob Wiederstein, D-Henderson, the bill would define terms related to the electronic recording of custodial interrogations. *Died in committee.*

#### **HB473: Special law enforcement officers**

Sponsored by Rep. Deanna Frazier, R-Richmond (Reps. Blanton and Santoro are co-sponsors), the bill would require the Justice and Public Safety Cabinet to conduct a criminal background check for anyone applying as a special law enforcement officer, and allow a check at other times at the cabinet’s discretion by using a fingerprint check by KSP and the FBI. Awaiting Action in House Judiciary Committee. Passed House. *Died in committee.*

### ***SENATE***

#### **SB 1: Immigration, sanctuary cities**

Sponsored by Sen. Danny Carroll, R-Paducah, and 12 other Senate Republicans. Top priority of Senate GOP this session. Like the House bill but farther reaching. It would prohibit law enforcement as well as public officials and employees of public agencies and institutions from “enacting, adopting or otherwise enforcing any sanctuary policy”. It would also “require” law enforcement and other public officials “to use their best efforts, considering available resources, to support the enforcement of federal immigration law”. Passed Senate; assigned to House Judiciary Committee. *Died in Committee.*

#### **SB8: Requires SRO’s to be armed, other provisions related to preventing and dealing with school shootings**

Sponsored by Sen. Max Wise, R-Campbellsville. *Passed House and Senate. Signed into law by the Governor.*

**SB35: Related to reporting dependency, neglect or abuse.**

Sponsored by Sen. Danny Carroll, R-Paducah, the bill tightens up reporting requirements under the mandatory reporting law to avoid contaminating investigations. *Withdrawn before being called for a vote.*

**SB58 Pardon bill**

Sponsored by Sen. Chris McDaniel, R-Taylor Mill, prohibits a governor from pardoning or commuting sentences 30 days or less before a gubernatorial election - a bill inspired by the pardons former Gov. Matt Bevin issued before leaving office in December. If a governor is reelected, pardon powers would be restored on inauguration day. **Bill died in committee.**

**SB74: DUI bill**

Sponsored by Rep. Whitney Westerfield, R-Hopkinsville. Bill would allow judges to issue search warrants for a motorist's blood or urine in DUI cases that do not involve a death or serious injury, which is the current requirement. Being pushed by KY County Attorney's Assoc. Passed Senate 31-4, awaiting action in House Judiciary Committee. *Died in Committee.*

**SB229 Establishes status of certified constables and deputy constables**

Sponsored by Rep. Phillip Wheeler, R-Pikeville, with 12 co-sponsors, would have required 40-hour annual training for constables and deputy constables through in-service education courses developed and maintained by the Kentucky Constable Association. Training - which would include firearms qualification, emergency vehicle operations and defensive driving - would be offered at night and on weekends throughout the year in various regions across the state. It would be much less than training that POPS certified officers complete. The bill would also mandate local governments to allow constables to use lights and sirens and delete minimum bond requirements. KLC calls the bill a threat to public safety because it eliminates local control. The bill could be heard this week by the Senate State and Local Government Committee. *Died in committee.*

**2021 Session**

This list will undoubtedly change, but following are the issues KACP will preparing to deal with during the 2021 session:

- Changing KRS regulations/practices to expedite the process of retired law enforcement officers returning to work.
- Enacting an annual CPI increase in the KLEFPF training stipend.
- Blocking and opposing major changes in asset seizure procedures and reporting.
- Enhancing line of duty benefits.

***FOR MORE INFO***

As always, questions, suggestions, comments or concerns can be directed to Executive Director Shawn Butler, who can be reached at 859-743-2920 or [sbutler@kypolicechiefs.org](mailto:sbutler@kypolicechiefs.org) or KACP lobbyist Patrick Crowley, who can be reached at 859-462-4245 or [pcrowley@strategicadvisersllc.com](mailto:pcrowley@strategicadvisersllc.com)

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