



# Weekly Legislative Report

## KACP KENTUCKY GENERAL ASSEMBLY LEGISLATIVE REPORT

### FOR WEEK ENDING

FEB. 18

We are more than halfway through the Kentucky General Assembly legislative session. Friday marked the 32nd day of the 60-day regular session. As of Friday, 194 bills had been filed in the Senate; in the House, 540 bills have been filed.

Due to the President's Day federal holiday, the legislature will not meet Monday.

**Reminder** – KACP's Executive Board/General Membership Meeting is scheduled to be held Wednesday, Feb. 23, at 10 a.m. EST at the Kentucky Association of Counties (KACO) headquarters at 400 Englewood Drive in Frankfort.

### ***THE LATEST ON LEGISLATION***

KACP and Executive Director Shawn Butler were front-and-center this past week as two KACP-supported bills moved out of committee. Executive Director Butler was seated at the table as Rep. Rachel Roberts, D-Newport, presented HB206 and Sen. Danny Carroll, R-Benton, presented SB63.

#### **HB206, Law enforcement officer certification**

Filed by Rep. Rachel Roberts, D-Newport, and co-sponsored by two former KSP Troopers - Reps. Sal Santoro, R-Florence, and John Blanton, R-Salyersville - the bill would prohibit anyone who has been convicted of various misdemeanor offenses from being certified as a police officer. Passed unanimously out of Veterans, Military Affairs & Public Protection and awaits action by the full House, which could come as early as Tuesday. ***KACP supports***

#### **SB63, Personal information**

Filed by Sen. Danny Carroll, R-Benton, would exempt records revealing a law enforcement officers address from Open Records requests; would also allow officers to request that their personally identifiable information be designated as confidential and not publicly posted. Passed Senate Judiciary Committee, awaits action by the full Senate. ***KACP supports***

### ***VIRTUAL TRAINING***

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KACP and KLC worked on some final tweaks to the latest draft of the virtual training bill. We expect the bill to drop this week. Thanks again to Rep. Kim Moser, R-Taylor Mill, who has tenaciously worked on the legislation and has agreed to be the bill's primary sponsor.

### **HB63, School Resource Officers (SROs)**

Filed by Rep. Kevin Bratcher, R-Louisville, the bill would require school districts that can afford a school resource officer at each school to have them in place by Aug. 1. If funds or personnel are not available, the bill directs the school district to work with the state Center for School Safety to address those issues. Passed the House, awaiting action in the Senate Education Committee. ***KACP is monitoring***

### **HB154, DUI blood tests**

Filed by Rep. Patrick Flannery, the bill would remove the penalty enhancement for refusal of a blood test. Passed House; assigned to Senate Judiciary Committee. ***KACP is supporting***

### **SB120, Local school districts police departments**

**Filed** by Sen. Danny Carroll, R-Benton, the bill would allow local school boards to establish a police department for their local school districts. Passed Senate Education Committee, awaiting action by the full Senate. ***KACP is supporting***

### **Amendments to KRS 70.290**

Another way to retain officer is to increase the amount of time a law enforcement officer must spend with a department before being able to move on. Too many officers are being hired by a department, going through training – which must be paid by cities and counties – and then leaving the department for a higher-paying job in another community or state.

KACP is working on legislation that would increase the mandated time an officer must spend with a department from three to five years as outlined in KRS 70.290. We also are asking for changes that would put Public University law enforcement departments and state agencies under the same rules as cities and counties. Meetings were held this past week with Senate members and are our hope is that a bill would be filed this week.

### **COVID bonus pay**

Since 2022 is a session in which the legislature enacts a two-year budget, and with the state sitting on a projected \$2 billion surplus, there has been talk from Gov. Beshear and some legislators about offering a COVID bonus to front-line workers and first-responders. If those discussions advance, KACP will work to ensure that law enforcement is included in the bonus payout.

### ***New bills filed***

### **SB179, Criminal offenses during a declared emergency**

Filed by Sen. Danny Carroll, R-Benton, and several other western Kentucky senators, the bill would enhance penalties for criminal offenses that occur during a declared emergency arising from a natural or man-made disaster - legislation inspired by the aftermath of the deadly and devastating tornadoes that ravaged western Kentucky in December. Assigned to Senate Judiciary Committee. ***KACP supports***

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## **LEGISLATION KACP SUPPORTING**

### **HOUSE**

#### **HB48, False reporting of crimes**

Filed by Rep. Phillip Pratt of Georgetown, the bill increases the penalties for falsely reporting an incident that results in an emergency response and creates a new law to allow law enforcement to seek civil damages arising from the false reporting of a crime. Passed House, awaiting action in the Senate Judiciary Committee

#### **HB56 First responder COVID-19 death benefits**

Sponsored Rep. Thomas Huff, R-Shepherdsville, the bill which would be retroactive, would amend the current statute on death benefits to include COVID-19 on the list of illnesses that can qualify a deceased first responder's family – including the families of law enforcement – for death benefits of \$80,000. The bill is retroactive, meaning any first responders who have died due to COVID-19 complications since March 2, 2020, would qualify. Passed House, assigned to Senate Appropriations & Revenue Committee

#### **HB71 Cost of care**

Sponsored by Kim Banta, R-Fort Mitchell, Rep. Cherlynn Stevenson, D-Lexington, the bill would a pet owner responsible for the cost of care – including vet bills and boarding the animals – when animals are seized from a situation featuring fighting, hoarding or other forms of neglect. This saves cities and counties the cost of caring for the seized animals. Assigned to Committee on Committees.

#### **HB79, Mental Health**

Filed by Rep. Bill Wesley, R- Ravenna, the bill amends state law to include telecommunicators as eligible participants in the Law Enforcement Professional Development and Wellness Program. Passed out of committee, action by the full House

#### **HB135, Retirement benefits**

Filed by Rep. Buddy Wheatley, R-Covington, the bill changes the retirement benefits for members of the State Police Retirement System or in a hazardous position who were hired after Jan. 1, 2014, but before Jan. 1, 2023, from Tier 3 to Tier 2. Assigned to Committee on Committees.

#### **HB141, Income tax exclusion for police officers**

Filed by Rep. Ryan Dotson, R-Winchester, the bill would exclude law enforcement officers from paying state income tax. Could be included in a larger tax reform bill. Assigned to Committee on Committees.

#### **HB169, Retiree health benefits for hazardous duty members**

Filed by Reps. Kevin Bratcher, R-Louisville, and Buddy Wheatley, D-Covington, the bill would increase the hazardous duty under age 65 retiree health subsidy to \$40 per month for each year of hazardous duty service who began participating in the retirement system on or after July 1, 2003, and who are eligible for a fixed-dollar retiree health subsidy not tied to the premium. Assigned to Committee on Committees.

#### **HB239, Constables**

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Filed by Rep. Adam Koenig, R-Erlanger, the bill prohibits any constable elected for the first time after Jan. 1, 2023, from exercising general police powers unless certified, leaving all other constables unchanged. Assigned to House Local Government Committee.

### **HB329, Enhanced criminal penalties for crimes committed during an emergency**

Filed by Rep. Ed Massey, R-Hebron, the House Judiciary Chairman, the bill provided enhanced penalties for criminal offenses, including theft, during a declared emergency. This bill was inspired by incidents and reports of looting following the recent western Kentucky tornadoes. Assigned to Committee on Committees

### **HB335, KLEC appointments**

Filed by Rep. Adam Bowling, R-Middlesboro, the bill gives the Kentucky League of Cities (KLC) and Kentucky Assoc of Counties (KACO) the ability to submit names to the Governor for consideration on KLEC. Passed out of House Local Government Committee. Passed House; awaiting action in the Senate; Assigned to Senate State & Local Government Committee.

### **HB398, Riots**

Filed by Rep. Steve Sheldon, R-Bowling Green, and Rep. Ed Massey, R-Hebron, the bill creates enhanced penalties for any defendant convicted of a crime committed during a riot. Assigned to Committee on Committees.

### **HB414, Public safety personnel**

Filed by Rep. John Blanton, R-Salyersville, the bill would make it easier for cities to recruit and retain public's safety personnel by making changes to current law, including removing the age limit for new hire and limitations to the number of retired police officers a city is allowed to employ. Passed House State Government Committee, awaiting action by full House

### **HB463, pension income taxation**

Filed by Rep. Gina Huff, R-Williamsburg, the bill increases the pension income exclusion from \$31,110 to \$41,110; retroactive to taxable years beginning on or after Jan. 2, 2018. Assigned to Committee on Committees.

## **SENATE**

### **SB23, "Porch pirates" felony**

Filed by Sen. David Yates, D-Louisville, seeks to crack down on people who steal packages delivered through commercial carriers like Amazon or FedEx. The bill would make it a class D felony to steal or destroy such packages, mirroring the penalties for stealing U.S. mail. Bill passed the Senate; assigned to House Committee on Committees.

### **SB44, Riots**

Filed by Sen. Danny Carroll, R-Benton, and Sen. Mike Nemes, R-Louisville, the bill creates enhanced penalties for any defendant convicted of a crime committed during a riot. Assigned to Senate Judiciary Committee.

### **SB64, First responder confidentiality**

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Filed by Sens. Mike Wilson, R-Bowling Green, and Mike Nemes, R-Louisville, the bill would protect the confidentiality of first responders who participate in peer support counseling programs. Bill has passed the Senate; assigned to House Committee on Committees.

### **SB96, KLEC**

Filed by Sen. Mike Wilson, R-Bowling Green, and Sen. Danny Carroll, R-Benton, the bill would include the Bowling Green Police Department on the KY Law Enforcement Council (KLEC). Passed Senate; assigned to House Committee on Committees.

### **SB114, Catalytic converters**

Filed by Sen. Whitney Westerfield, the bill requires purchasers of catalytic converters to keep a record that contains proof of ownership. Assigned to Senate Judiciary Committee.

## ***LEGISLATION KACP OPPOSES***

### **HOUSE**

#### **HB155, Certifying constables**

Filed by Rep. Ryan Dotson, R-Winchester, Rep. Bill Wesley, R-Ravenna, the bill would establish program – paid for by KLEFPF – for certifying and training constables. Assigned to Committee on Committees.

#### **HB136, Medical cannabis**

Filed by Rep. Jason Nemes, the bill defines and allows medical cannabis. Assigned to House Committee on Committees

#### **HB224, Cannabis**

Filed by Rep. Nima Kulkarni, the bill makes possession of a personal use quantity of cannabis exempt from civil or criminal penalty. Assigned to Committee on Committees.

## ***LEGISLATION KACP TRACKING/MONITORING***

### **HOUSE**

#### **HB29, Firearms legislation,**

Filed by Rep. Josh Bray, R-Mt. Vernon, the bill prohibits the enforcement of a federal ban or regulation of firearms. Assigned to Committee on Committees.

#### **HB122, Concealed carry**

Filed by Rep. Savannah Maddox, R-Dry Ridge, the bill would lower the age requirement for carrying a concealed weapon from 21 to 18. Assigned to Committee on Committees.

#### **HB124, Concealed carry/public buildings**

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Filed Rep. Savannah Maddox, R-Dry Ridge, the bill would prevent postsecondary education facilities, local governments and units of state government from prohibiting the carrying of concealed deadly weapons. Assigned to Committee on Committees.

### **HB137, KLEFPF payments**

Filed by Rep. Melinda Gibbons Prunty, R-Belton, the bill would allow the following to receive KLEFPF training stipend: An officer serving on a joint task force; and investigator employed by a county attorney; a process server for juvenile courts within a consolidated local government. Passed House, awaiting action in Senate Appropriations & Revenue Committee

### **HB158, Firearms**

Filed by Rep. Savannah Maddox, R-Dry Ridge, the bill would prohibit law enforcement from enforcing of any federal law that does not exist under the laws of Kentucky and limited firearms ownership. Assigned to Committee on Committees.

### **HB236, Hate crimes**

Filed by Rep. Nima Kulkarni, D-Louisville, the bill would define hate crimes and require law enforcement agencies to possess a written policy and procedures related to hate crimes. Assigned to Committee on Committees.

### **HB258, Distracted driving**

Filed by Rep. James Tipton, R-Taylorsville, the bill would allow the hands-free use of a personal communications device while driving. The legislation would make it illegal for a driver to use their hands to operate a personal communications device, such as a mobile phone, text messaging device, stand-alone computer, a GPS system, a personal digital assistant or any device capable of displaying a video, movie or visual image. Assigned to Committee on Committees.

### **HB292, Gun storage**

Filed by Rep. George Brown Jr., D-Lexington, the bill would make it a crime to unlawfully store a firearm and establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor. Assigned to Committee on Committees.

### **HB331, Felony mediation**

Filed by Rep. Ed Massey, R-Hebron, the bill would promote felony mediation to resolve felony criminal cases. Passed out of committee, awaiting action by full House.

### **HB479, Related to Law Enforcement Foundation Program fund**

Filed by Rep. Chris Fugate, R-Chavies, the bill deletes reference to the payment made from the fish and game fund under definition of a "police officer" for fish and wildlife conservation officers and makes the funding source the Kentucky Law Enforcement Foundation Program. Assigned to House Committee on Committees.

## **SENATE**

### **SB24, Destroying firearms**

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Filed by Sen. Karen Berg, D-Louisville, requires the destruction of confiscated firearms. Assigned to Senate Veterans, Military Affairs and Public Protection (VMAPP) Committee.

### **SB97, Child fatalities**

Filed by Sen. Danny Carroll, R-Benton, the bill would require law enforcement officer to request a blood, breath or urine test from a caregiver suspected of being under the influence at the time of a child fatality or near fatality, and to request a search warrant for the test if consent is not given by the caregiver. Passed Senate, assigned House Committee on Committees.

### **SB101, First responder videos**

Filed by Sen. Jared Carpenter, R-Richmond, the bill would create a misdemeanor unauthorized video or photos taken by a first responder. Passed Senate, assigned to House Committee on Committees

### **SB176, Facial recognition technology**

Filed by Sen. Whitney Westerfield, R-Crofton, the bill requires the KLEC to adopt a model facial recognition technology by Jan. 1, 2023, to govern the use of facial technology recognition technology. Assigned to Senate Veterans, Military Affairs & Public Protection Committee.

## ***LEGISLATIVE CALENDAR***

The session is scheduled to last 60 days, the maximum allowed under the state constitution in even-numbered years.

Feb. 25 - Last day to introduce House bills

March 1 - Last day to introduce Senate bills

March 31 to April 12 – 10-day veto recess

April 13 and 14 – Final two days of session

Click [here](#) to see the 2022 session calendar

## ***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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