



Weekly Legislative Report

KACP KENTUCKY GENERAL ASSEMBLY FINAL LEGISLATIVE REPORT FOR WEEK ENDING APRIL 15

SINE DIE!

With those words, the curtain came down Thursday night on the 60-day 2022 regular session of the Kentucky General Assembly. Legislators sent 240 bills to the Governor during the session that began back in early January.

Following is the final KACP legislative report of the session. If any member has any questions about legislation or any other matter regarding the session, please don't hesitate to reach out.

By the way, Sine Die is a Latin phrase that means "without day", but it has been used in Kentucky and by other legislative bodies to mark the adjournment of a deliberative body.

KACP PRIORITY BILL – VIRTUAL TRAINING – PASSED BOTH CHAMBERS, WILL BECOME LAW WITHOUT THE GOVERNOR'S SIGNATURE

[HB565](#), The virtual training legislation sponsored by Rep. Kim Moser, R-Taylor Mill, has passed both the House and the Senate. Rather than signing the bill, Gov. Beshear [allowed the bill to become law without his signature](#). Unless a governor signs or vetoes a bill, in most cases legislation becomes law 10 days after it is enacted by both chambers and delivered to the governor.

This is a bill that was two years in the making so there are a lot of people for KACP to thank:

- Rep. Moser, for never giving up on the bill, even in the face of tough opposition.
- Sen. Chris McDaniel, R-Ryland Heights, for carrying the bill in the Senate. In addition, during a meeting earlier in the session with KACP Executive Director Shawn Butler, Sen. McDaniel – who chairs the Senate Appropriations & Revenue Committee – pledged to include money in the final budget to help pay for the training. He was good to his word by including \$240,000 in the final budget bill for the virtual training program.
- JD Chaney and Bryanna Carroll of KLC, who once again partnered with KACP on the herculean task of shepherding the bill through both chambers.
- Legislation co-sponsors Reps. Sal Santoro, R-Union, and Ed Massey, R-Hebron.
- Members of House and Senate leadership that allowed the bill to move forward.
- All the lawmakers who voted for the bill.
- ***The KACP members who called their representatives and senators to ask them to support the bill! It made a difference.***

STATE BUDGET BILL

The two-year \$114 billion state budget/spending plan includes a \$300 KLEFPF increase, which Sen. McDaniel championed.

BILLS THAT ARE SET TO BECOME LAW

Following are law enforcement related bills that KACP supported or followed that were passed by both the House and Senate.

As noted earlier, the legislature could vote on bills when lawmakers return to Frankfort April 13 and 14. However, any bills passed would not be available for overrides of a gubernatorial veto.

HB63, School Resource Officers (SROs)

Filed by Rep. Kevin Bratcher, R-Louisville, the bill calls on local school districts to place a school resource officer at each school by Aug. 1 if funds are available. 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. It also allows local school boards to establish a police department. Signed by Governor into law.

HB206, Certification

Sponsored by Rep. Rachel Roberts, D-Newport, the bill does not allow law enforcement officers convicted of various crimes - including rape, sodomy, sexual abuse or sexual misconduct - to be certified as a police/law enforcement officer in Kentucky. The bill was passed by both chambers and delivered to the Governor.

HB137, KLEFPF payments

Filed by Rep. Melinda Gibbons Prunty, R-Belton, the bill allows 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. The bill was passed by both chambers and delivered to the Governor.

HB239, Constable Training

Sponsored by Rep. Adam Koenig, R-Erlanger, the bill – first filed by Rep. Koenig 13 years ago - has been a KACP legislative priority for several sessions. Thanks to Rep. Koenig for not giving up on the bill, which requires constables elected in 2022 and after to receive valuable law enforcement training. HB239 does not stop constables from serving their community. The bill only prevents untrained newly elected constables from using peace officer powers, such as making arrests and investigating crimes. Became law without Governor's signature.

HB414, Public 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. It would also allow agencies to operate under an 80-hour, 14-day work period instead of a 40-hour, seven-day period. Became law without Governor's signature.

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 House and Senate; vetoed by the Governor. Veto overridden; bill will become law.

HB562, First responders

Filed by Rep. Ashley Tackett Laferty, D-Martin, the will would allow a law enforcement officer to take 48 hours leave after being involved in a critical incident. Signed by Governor into law.

BILLS THAT DID NOT PASS

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.

LOOKING FORWARD TO 2023

KACP's legislative team is already planning for the 2023 legislative session and will be meeting with legislators throughout the remainder of this year to begin laying the groundwork for next year's session. Interim committee meetings – where legislators hear testimony but cannot vote – begins in June.

DROP Program

Kentucky is facing a critical time in recruiting, hiring and retaining law enforcement officers. Enacting a DROP program through the passage of legislation could provide a tremendous boost to attracting and keeping good cops in Kentucky.

DROP programs have been in existence since the 1990s and are used by several municipalities and states, including Ohio, which as of October 2019 had a 90 percent participation rate of those eligible for the program.

Since the DROP program is a new concept in Kentucky, it may not receive consideration during the current legislative session. It is not unusual for a new piece of complex legislation - and most legislation dealing with pensions is considered complex by Frankfort standards - to go through a vetting process that includes more than one legislative session. If you recall, legislation codifying the KLEFPF increase into law took three sessions before it was passed.

KACP will be introducing the program to legislators, state pension officials and others over the next several months and will ultimately appear before the Public Pension Oversight Board later this year. We will also seek a legislative committee hearing during the interim.

Here are just a few quick facts about the program.

Cost

The DROP program would be cost neutral to the retirement system. Here's how.

- A member of the Kentucky Public Pensions Authority (KPPA) who has obtained full retirement eligibility could participate in the DROP program.
- The member's retirement will be calculated, and the payment would be deposited into a separate, tax-deferred account, with monthly earning interest (minimum 2.5%- maximum 5%).

-
- The member would remain in their current position collecting their regular salary and the employee and the employer would continue to make their regular pension contributions, so money would continue to flow into the retirement system, making the program cost neutral.

Example

- A KPPA member enters the DROP program.
- The member had a high three salary of \$50,000 at 20 years of service.
- Under that scenario, the member's monthly retirement benefit would be \$2,083 a month, or \$25,000 a year.
- After joining the DROP program, the member's monthly \$2,083 benefit would be placed into a separate account until the member officially retires.
- If, for instance, the member stays on the job for an additional five years he or she would accumulate \$125,000 plus interest. When they retire, they collect their \$125,000 and their \$2,083 a month.

Employment contracts

KACP will push for legislation that will extend law enforcement contracts to four years and will include university and airport officers.

OTHER NOTABLE LEGISLATION AND LEGISLATIVE ACTIVITY

Porch pirates: [Senate Bill 23](#) cracks down on people who steal packages off front porches, often referred to as porch pirates. The bill makes it a Class D felony to steal or destroy packages from common carriers and delivery services such as Amazon or FedEx. Signed by Governor into law.

Incest: [Senate Bill 38](#) classifies incest as a violent offense. It also ensures that individuals guilty of incest complete at least 80% of their prison sentence. Signed by Governor into law.

First responders: [Senate Bill 64](#) aims to protect the confidentiality of first responders who participate in peer support counseling programs. Supporters say it will benefit thousands of public safety workers who frequently experience trauma on the job but could face repercussions from frank discussions in counseling. Signed by Governor into law.

Fentanyl: Known as Dalton's Law, [House Bill 215](#) requires those convicted of trafficking fentanyl, carfentanyl or fentanyl derivatives to serve at least 85% of their criminal sentences, up from the current 50%. It also makes importing those drugs from another state or country a Class C felony and deems offenders ineligible for a pretrial diversion. Signed by Governor into law.

Crimes during emergencies: [Senate Bill 179](#) enhances penalties for crimes committed during a natural or man-made disaster declaration. Crimes include assault, burglary, criminal trespass, criminal mischief, theft, receiving stolen property and robbery. Signed by Governor into law.

Criminal justice reform: [Senate Bill 90](#) would establish pilot programs in at least 10 Kentucky counties, providing deferred prosecutions, diversion or dismissal of charges for some low-level offenders based on their participation in drug treatment and vocational services. Delivered to Governor.

Death penalty: [House Bill 269](#) adds serious mental illness to the list of disabilities that disqualify offenders from execution – if symptoms were occurring at the time of the offense. Signed by Governor into law.

COVID-19: [Senate Joint Resolution 150](#) effectively ended the COVID-19 declaration of emergency in Kentucky last month. Per procedure, delivered to Secretary of State.

Child abuse: [House Bill 263](#), known as Kami's Law, makes criminal abuse against a victim under 12 years of age a Class B felony. Signed by Governor into law.

Child fatalities: [Under Senate Bill 97](#), law enforcement will be required to request a blood, breath or urine test from parents and caregivers suspected of being under the influence at the time of a suspicious child death. If consent is not given, this bill gives law enforcement the power to request a search warrant. Signed by Governor into law.

Cannabis research: [House Bill 604](#) establishes the Kentucky Center for Cannabis Research at the University of Kentucky. It also defines the mission and responsibilities for the center and appropriates funding. Signed by Governor into law.

Notable bills that did not pass: Medical marijuana; sports books.

Vetoes: Lawmakers overrode more than 25 of the Governor's vetoes.

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 or KACP lobbyist Patrick Crowley, who can be reached at 859-462-4245 or pcrowley@strategicadvisersllc.com

##

Kentucky Association of Chiefs of Police