

1 AN ACT relating to law enforcement seizure of money or property.

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

3 ➔Section 1. KRS 218A.440 is amended to read as follows:

4 (1) **(a)** Each law enforcement agency~~[seizing money or property pursuant to KRS~~
 5 ~~218A.415]~~ shall, **within thirty (30) days following**~~[at]~~ the close of each fiscal
 6 year, file **an asset seizure reporting form**~~[a statement]~~ with the~~[Auditor of~~
 7 ~~Public Accounts, and with the secretary of]~~ Justice and Public Safety **Cabinet**~~[~~
 8 ~~containing]~~, **declaring whether or not the law enforcement agency seized**
 9 **money or property pursuant to KRS 218A.415.**

10 **(b) If the law enforcement agency did seize money or property pursuant to KRS**
 11 **218A.415, the asset seizure reporting form shall contain:**

12 **1. For the preceding fiscal year,** a detailed listing of all money and
 13 property seized in that fiscal year and the disposition thereof. The listing
 14 shall identify all **money and** property~~[se]~~ seized~~[.]~~ **and shall include**
 15 **for each seizure:**

16 **a. The date of seizure;**

17 **b. A description of the seized money or property, including the**
 18 **amount of the money or estimated value of the property;**

19 **c. From whom the money or property was seized and the exact**
 20 **location of where the money or property was seized;**

21 **d. The alleged criminal offense associated with the seizure and the**
 22 **case number for the offense;**

23 **e. The disposition of any criminal action related to the seizure,**
 24 **including whether the defendant was charged with an offense, if**
 25 **charges were dismissed, and if the defendant was acquitted,**
 26 **entered into a plea agreement, or was convicted;**

27 **f. Information on the final disposition of the seized property,**

- 1 including whether the money or property was returned to the
2 owner, destroyed, sold or converted to government use, and the
3 date of the disposition; and
- 4 g. If forfeiture occurred, whether:
- 5 i. Forfeiture resulted from a seizure made by a federal
6 agency or a joint task force composed of local, state, and
7 federal law enforcement agencies;
- 8 ii. A defendant, owner, joint owner, or third-party owner
9 made a claim or counterclaim for the seized money or
10 property; and
- 11 iii. There was a forfeiture settlement agreement; and
- 12 2. Beginning with the second fiscal year following the effective date of
13 this Act, for all other prior fiscal years, a detailed listing of any money
14 and property seized in those years that have not yet been disposed of.
15 The listing shall identify all money and property not yet disposed of
16 and shall include for each seizure:
- 17 a. The date of seizure;
- 18 b. A description of the seized money or property, including the
19 amount of the money or estimated value of the property;
- 20 c. From whom the money or property was seized and the exact
21 location of where the money or property was seized;
- 22 d. The alleged criminal offense associated with the seizure and the
23 case number for the offense; and
- 24 e. The disposition of any criminal action related to the seizure,
25 including whether the defendant was charged with an offense, if
26 charges were dismissed, and if the defendant was acquitted,
27 entered into a plea agreement, or was convicted.

1 (c) The Justice and Public Safety Cabinet shall develop an asset seizure
 2 reporting form to be completed by law enforcement agencies.

3 (2) Within ninety (90) days following the close of each fiscal year, the Justice and
 4 Public Safety Cabinet shall:

5 (a) Notify any law enforcement agency that has not filed an asset seizure
 6 reporting form pursuant to subsection (1) of this section. The agency shall
 7 have thirty (30) days from the date of notification to file the form. If the
 8 agency does not comply within those thirty (30) days, the Justice and Public
 9 Safety Cabinet shall refer the agency to the Attorney General for civil action
 10 pursuant to subsection (3) of this section; and

11 (b) Provide a summary report of the money and property seized by law
 12 enforcement agencies to the Legislative Research Commission and the
 13 Interim Joint Committee on Judiciary.

14 (3) Any agency failing to report as required by this section shall be liable to the state for
 15 the full value of all property and money so seized. The Attorney General shall
 16 institute civil actions for recovery of money or property obtained or retained in
 17 violation of KRS 218A.405 to 218A.460.

18 (4)~~(3)~~ The Auditor of Public Accounts, the secretary of the Justice and Public Safety
 19 Cabinet, or the Attorney General may at any time initiate an inquiry to determine
 20 compliance with~~[that property is being forfeited as required by]~~ KRS 218A.405 to
 21 218A.460.

22 ➔Section 2. KRS 15.440 is amended to read as follows:

23 (1) Each unit of government that meets the following requirements shall be eligible to
 24 share in the distribution of funds from the Law Enforcement Foundation Program
 25 fund:

26 (a) Employs one (1) or more police officers;

27 (b) Pays every police officer at least the minimum federal wage;

- 1 (c) Requires all police officers to have, at a minimum, a high school degree, or its
2 equivalent as determined by the council, except that each police officer
3 employed prior to the date on which the officer's police department was
4 included as a participant under KRS 15.410 to 15.510 shall be deemed to have
5 met the requirements of this subsection;
- 6 (d) 1. Requires all police officers to successfully complete a basic training
7 course of nine hundred twenty-eight (928) hours' duration within one (1)
8 year of the date of employment at a school certified or recognized by the
9 council, which may provide a different number of hours of instruction as
10 established in this paragraph, except that each police officer employed
11 prior to the date on which the officer's police department was included
12 as a participant under KRS 15.410 to 15.510 shall be deemed to have
13 met the requirements of this subsection.
- 14 2. As the exclusive method by which the number of hours required for
15 basic training courses shall be modified from that which is specifically
16 established by this paragraph, the council may, by the promulgation of
17 administrative regulations in accordance with the provisions of KRS
18 Chapter 13A, explicitly set the exact number of hours for basic training
19 at a number different from nine hundred twenty-eight (928) hours based
20 upon a training curriculum approved by the Kentucky Law Enforcement
21 Council as determined by a validated job task analysis.
- 22 3. If the council sets an exact number of hours different from nine hundred
23 twenty-eight (928) in an administrative regulation as provided by this
24 paragraph, it shall not further change the number of hours required for
25 basic training without promulgating administrative regulations in
26 accordance with the provisions of KRS Chapter 13A.
- 27 4. Nothing in this paragraph shall be interpreted to prevent the council,

1 pursuant to its authority under KRS 15.330, from approving training
2 schools with a curriculum requiring attendance of a number of hours that
3 exceeds nine hundred twenty-eight (928) hours or the number of hours
4 established in an administrative regulation as provided by subparagraphs
5 2. and 3. of this paragraph. However, the training programs and schools
6 for the basic training of law enforcement personnel conducted by the
7 department pursuant to KRS 15A.070 shall not contain a curriculum that
8 requires attendance of a number of hours for basic training that is
9 different from nine hundred twenty-eight (928) hours or the number of
10 hours established in an administrative regulation promulgated by the
11 council pursuant to the provisions of KRS Chapter 13A as provided by
12 subparagraphs 2. and 3. of this paragraph.

13 5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph
14 to the contrary notwithstanding, the council may, through the
15 promulgation of administrative regulations in accordance with KRS
16 Chapter 13A, approve basic training credit for:

17 a. Years of service credit as a law enforcement officer with previous
18 service in another state; and

19 b. Basic training completed in another state;

20 (e) Requires all police officers to successfully complete each calendar year an in-
21 service training course, appropriate to the officer's rank and responsibility and
22 the size and location of the officer's police department, of forty (40) hours'
23 duration, of which the number of hours shall not be changed by the council, at
24 a school certified or recognized by the council. This requirement shall be
25 waived for the period of time that a peace officer is serving on active duty in
26 the United States Armed Forces. This waiver shall be retroactive for peace
27 officers from the date of September 11, 2001;

- 1 (f) Complies with all provisions of law applicable to police officers or police
2 departments, including transmission of data to the centralized criminal history
3 record information system as required by KRS 17.150, ~~and~~ transmission of
4 reports as required by KRS 15.391, **and transmission of the annual asset**
5 **seizure reporting form as required by Section 1 of this Act;**
- 6 (g) Complies with all rules and regulations, appropriate to the size and location of
7 the police department issued by the cabinet to facilitate the administration of
8 the fund and further the purposes of KRS 15.410 to 15.510;
- 9 (h) Possesses a written policy and procedures manual related to domestic violence
10 for law enforcement agencies that has been approved by the cabinet. The
11 policy shall comply with the provisions of KRS 403.715 to 403.785. The
12 policy shall include a purpose statement; definitions; supervisory
13 responsibilities; procedures for twenty-four (24) hour access to protective
14 orders; procedures for enforcement of court orders or relief when protective
15 orders are violated; procedures for timely and contemporaneous reporting of
16 adult abuse and domestic violence to the Cabinet for Health and Family
17 Services, Department for Community Based Services; victim rights,
18 assistance, and service responsibilities; and duties related to timely completion
19 of records; and
- 20 (i) Possesses by January 1, 2017, a written policy and procedures manual related
21 to sexual assault examinations that meets the standards provided by, and has
22 been approved by, the cabinet, and which includes:
- 23 1. A requirement that evidence collected as a result of an examination
24 performed under KRS 216B.400 be taken into custody within five (5)
25 days of notice from the collecting facility that the evidence is available
26 for retrieval;
 - 27 2. A requirement that evidence received from a collecting facility relating

- 1 to an incident which occurred outside the jurisdiction of the police
2 department be transmitted to a police department with jurisdiction
3 within ten (10) days of its receipt by the police department;
- 4 3. A requirement that all evidence retrieved from a collecting facility under
5 this paragraph be transmitted to the Department of Kentucky State
6 Police forensic laboratory within thirty (30) days of its receipt by the
7 police department;
- 8 4. A requirement that a suspect standard, if available, be transmitted to the
9 Department of Kentucky State Police forensic laboratory with the
10 evidence received from a collecting facility; and
- 11 5. A process for notifying the victim from whom the evidence was
12 collected of the progress of the testing, whether the testing resulted in a
13 match to other DNA samples, and if the evidence is to be destroyed. The
14 policy may include provisions for delaying notice until a suspect is
15 apprehended or the office of the Commonwealth's attorney consents to
16 the notification, but shall not automatically require the disclosure of the
17 identity of any person to whom the evidence matched.
- 18 (2) A unit of government which meets the criteria of this section shall be eligible to
19 continue sharing in the distribution of funds from the Law Enforcement Foundation
20 Program fund only if the police department of the unit of government remains in
21 compliance with the requirements of this section.
- 22 (3) Deputies employed by a sheriff's office shall be eligible to participate in the
23 distribution of funds from the Law Enforcement Foundation Program fund
24 regardless of participation by the sheriff.
- 25 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
26 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
27 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a

1 criminal action.

2 ➔Section 3. The restrictions of KRS 6.945(1) shall not apply to Section 1 of this

3 Act.