

### **15.386 Certification categories -- Required courses -- Status of certification.**

The following certification categories shall exist:

- (1) "Precertification status" means that the officer is currently employed or appointed by an agency and meets or exceeds all those minimum qualifications set forth in KRS 15.382, but has not successfully completed a basic training course, except those peace officers covered by KRS 15.400. Upon the council's verification that the minimum qualifications have been met, the officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed. If an officer fails to successfully complete a basic training course within one (1) year of employment, his or her enforcement powers shall automatically terminate.
- (2) "Certification status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has met all training requirements. The officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed.
- (3) (a) "Inactive status" means that unless the certification is in revoked status:
  1. The person has been separated on or after December 1, 1998, from the agency by which he or she was employed or appointed and has no peace officer powers; or
  2. The person is on military active duty for a period exceeding three hundred sixty-five (365) days.(b) The person may remain on inactive status. A person who is on inactive status and who returns to a peace officer position shall have certification status restored if he or she meets the requirements of KRS 15.400(1) or has successfully completed a basic training course approved and recognized by the council, has not committed an act for which his or her certified status may be revoked pursuant to KRS 15.391 and successfully completes in-service training as prescribed by the council, as follows:
  1. If the person has been on inactive status for a period of less than three (3) years, and the person was not in training deficiency status at the time of separation, he or she shall complete:
    - a. The twenty-four (24) hour legal update Penal Code course;
    - b. The sixteen (16) hour legal update constitutional procedure course; and
    - c. The mandatory training course approved by the Kentucky Law Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; or
  2. If the person has been on inactive status for a period of three (3) years or more, or the person was in training deficiency status at the time of separation, he or she shall complete:
    - a. The twenty-four (24) hour legal update Penal Code course;
    - b. The sixteen (16) hour legal update constitutional procedure course;
    - c. The mandatory training course approved by the Kentucky Law

Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; and

- d. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment:
    - i. Basic officer skills;
    - ii. Orientation for new police chiefs; or
    - iii. Mandatory duties of the sheriff.
- (c) A person returning from inactive to active certification after June 26, 2007, under KRS 15.380 to 15.404, shall meet the following minimum qualifications:
1. Be a citizen of the United States;
  2. Possess a valid license to operate a motor vehicle;
  3. Be fingerprinted for a criminal background check;
  4. Not have been convicted of any felony;
  5. Not be prohibited by federal or state law from possessing a firearm;
  6. Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
  7. Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;
  8. Have been interviewed by the employing agency; and
  9. Not have had certification as a peace officer permanently revoked in another state.
- (4) "Training deficiency status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has failed to meet all in-service training requirements. The officer's enforcement powers shall automatically terminate, and he or she shall not exercise peace officer powers in the Commonwealth until he or she has corrected the in-service training deficiency.
- (5) "Revoked status" means that the officer has no enforcement powers and his or her certification has been revoked by the Kentucky Law Enforcement Council for any one (1) of the following reasons:
- (a) Failure to meet or maintain training requirements;
  - (b) Willful falsification of information to obtain or maintain certified status;
  - (c) Certification was the result of an administrative error;
  - (d) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;
  - (e) Prohibition by federal or state law from possessing a firearm; or
  - (f) Receipt of a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions from any branch of the Armed Forces of the United States.
- (6) "Denied status" means that a person does not meet the requirements to achieve precertification status or certification status.

- (7) The design of a certificate may be changed periodically. When a new certificate is produced, it shall be distributed free of charge to each currently certified peace officer.

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 76, sec. 2, effective June 26, 2007; and ch. 139, sec. 4, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 132, sec. 3, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 480, sec. 6, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 606, sec. 102, effective December 1, 1998.

**Legislative Research Commission Note (6/26/2007).** This section was amended by 2007 Ky. Acts chs. 76 and 139, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (6/26/2007).** The amendment to this section in 2007 Ky. Acts ch. 76, sec. 2, effective June 26, 2007, is retroactive to July 1, 2004. See 2007 Ky. Acts ch. 76, sec. 5.