

1 AN ACT relating to public protection.

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

3 ➔Section 1. KRS 75.130 is amended to read as follows:

- 4 (1) Except as provided in subsection (5) of this section no member or employee of a
5 fire protection district shall be reprimanded, dismissed, suspended, or reduced in
6 grade or pay for any reason except inefficiency, misconduct, insubordination, or
7 violation of law or of the rules adopted by the board of trustees of the fire protection
8 district, and only after charges are preferred and a hearing conducted as provided in
9 this section.
- 10 (2) Any person may file charges against a member or employee of a fire protection
11 district by filing them with the secretary of the board of trustees and by delivering or
12 mailing the charges to the principal fire house in the fire protection district. The
13 secretary shall immediately communicate the charges to the board of trustees by
14 mailing or delivering a copy of the charges to each member of the board of trustees
15 within seven (7) days of receipt of the charges at the principal fire house. The
16 chairman of the board of trustees shall, after conducting or having conducted any
17 inquiry or investigation which may be necessary, determine if probable cause
18 appears. The chairman shall prefer charges to the board of trustees against any
19 member or employee against whom probable cause exists, of conduct justifying the
20 dismissal or punishment of the member or employee. If probable cause does not
21 exist, the chairman shall dismiss the charges. All charges shall be written and shall
22 set out clearly the charges made. The person filing the charges may withdraw them
23 at any time prior to the conclusion of the hearing. The charges may then be
24 dismissed.
- 25 (3) Charges preferred by the chairman of the board of trustees shall be heard by either
26 the full board or a committee consisting of at least three (3) members of the board
27 of trustees appointed by the chairman. At the hearing all charges shall be considered

1 traversed and put in issue, and the trial shall be confined to matters related to the
2 issues presented. Within forty-five (45) days after the charges have been preferred
3 by the chairman to the board of trustees, that body, or a committee consisting of at
4 least three (3) members of the board of trustees appointed by the chairman, shall
5 proceed to hear the charges. At least ten (10) days before the hearing the member or
6 employee accused shall be served personally or by registered mail with a copy of
7 the charges and a statement of the day, place, and hour at which the hearing of the
8 charges will begin. The person accused may, in writing, waive the service of
9 charges and demand trial within thirty (30) days after the charges are preferred to
10 the board of trustees.

11 (4) The board of trustees of the fire protection district may summon and compel
12 attendance of witnesses at hearings by subpoena issued by the secretary of that body
13 and served upon the witnesses by any officer authorized to serve court subpoenas. If
14 any witness fails to appear in response to a summons, or refuses to testify
15 concerning any matter on which he may lawfully be interrogated, any District
16 Judge, on application of the board of trustees, may compel obedience by
17 proceedings for contempt as in the case of disobedience of a subpoena issued from
18 the District Court. The member or employee accused may have subpoenaed any
19 witnesses he *or she* may desire, upon furnishing their names to the secretary of the
20 board of trustees. The written records of the charges, the hearing, if held, and any
21 other actions or decisions of the board of trustees on the charges shall be kept as an
22 open public record and maintained as required by KRS Chapter 61.

23 (5) When the board of trustees or the chief of the fire protection district has probable
24 cause to believe a member or employee of a fire protection district has been guilty
25 of conduct justifying dismissal or punishment, the board or the chief may suspend
26 the member or employee from duty or from both pay and duty, pending trial, and
27 the member or employee shall not be placed on duty, or allowed pay, until the

1 charges are heard. If the member is suspended, there shall be no continuances
2 granted without the consent of the member or employee accused. If the member
3 suspended is a paid firefighter or ~~an~~ employee, the hearing on the charges shall be
4 conducted within fourteen (14) days after the charges have been preferred by the
5 chairman of the board of trustees.

6 (6) The board of trustees of the fire protection district shall fix the punishment of a
7 member or employee of a fire protection district found guilty, by a reprimand, **by**
8 suspension for any length of time not to exceed six (6) months, by reducing the
9 grade if the accused is an officer, or by combining any two (2) or more of those
10 punishments, or by dismissal as a member or employee of the fire protection
11 district.