

**61.360 Special local peace officers -- Appointment -- Fee -- Qualifications -- Removal -- Duties -- Not to impersonate public police officer.**

The Governor or his agent may appoint special local peace officers, for such time as he deems necessary, to preserve the peace and protect the property of any person from waste or destruction; provided, however, that no such peace officer(s) shall be actively employed at any factory, mine, workshop, retail establishment, or at any other location where a strike, a slowdown, a sit in, or any other type of work stoppage exists, if the employment of such peace officer(s) would result in the unreasonable expansion of the normal complement of such peace officers or the relieving of normal guards or peace officers to perform other duties. Upon the application of an owner of property for such services, and upon payment of a fee of ten dollars (\$10) for each officer to be appointed, the Governor may immediately appoint the person recommended by the owner, if the person is eligible. No person shall be eligible for appointment under this section unless he has established to the satisfaction of the Governor that he possesses the following qualifications:

- (1) No person shall serve as a special local peace officer:
  - (a) Unless he is a citizen of the United States, is twenty-one (21) years of age or over, and unless he is able to read and write;
  - (b) Unless he has resided in the Commonwealth for a period of at least one (1) year;
  - (c) Who has ever been convicted of or is under indictment for a crime involving moral turpitude, dishonesty, or fraud; unauthorized divulging or selling of information or evidence; impersonation of a law enforcement officer or employee of the United States or any state or political subdivision thereof; illegally using, carrying, or possessing a firearm or dangerous weapon; habitual drunkenness; using or selling or possessing narcotics; or who has been adjudged mentally disabled by a court of competent jurisdiction and such adjudication has not been set aside; or has renounced his citizenship, or, being an alien, is illegally or unlawfully in the United States;
  - (d) Who within a period of two (2) years has hired himself out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private policemen, or private guards, or advertised or solicited any such business in connection with any labor dispute;
  - (e) Unless he has filed his photograph with the county clerk of the county in which he is to serve, together with his affidavit stating his full name, age, and residence address and that he is not prohibited from serving by this section.
- (2) The photograph so filed with the county clerk shall constitute a public record. The Governor may remove any officer so appointed at will or at the request of the owner of the property.
- (3) The duties of the officer shall be confined to the premises of the property to be

protected, except while in pursuit of a person fleeing from the property after committing an act of violence or destruction of the property. In that case, the officer may pursue the person and make arrest anywhere within this state. He may wear such badges and insignia as will plainly indicate to the public that he is a special local peace officer, but he shall not, in any event, wear any uniform, or any part thereof, of any public police officer; nor shall he in any way impersonate a public police officer or represent himself to any person or persons as being a public police officer; nor shall he perform any of the duties of a public police officer, except those specifically herein granted and at the places herein specifically designated.

- (4) Application fees shall be placed in the State Treasury and credited to a revolving fund for administrative expenses.
- (5) Every special local peace officer appointed pursuant to this section shall execute bond in the amount of five thousand dollars (\$5,000).

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 98, sec. 2, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 141, sec. 44, effective July 1, 1982. -- Reenacted 1978 Ky. Acts ch. 383, sec. 1, effective June 17, 1978. -- Repealed 1976 Ky. Acts ch. 178, sec. 18, effective January 1, 1977. -- Amended 1970 Ky. Acts ch. 119, sec. 1. -- Amended 1946 Ky. Acts ch. 239, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3766a-22.

**Note:** 1980 Ky. Acts ch. 396, sec. 47 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.