

CHAPTER 416**(SB 62)**

AN ACT relating to the hiring of sheriffs' deputies.

WHEREAS, it is the intent of the General Assembly to provide as much flexibility in the hiring process and subsequent employment of law enforcement personnel so the citizens of the Commonwealth of Kentucky may enjoy an improved quality of life afforded them by the provision of fewer restrictions on the hiring of law enforcement personnel; and

WHEREAS, with the advent of better roads, vehicles, and electronic communications devices, the issue of proximity of the residences of law enforcement personnel relative to the area in which they serve is diminished;

NOW, THEREFORE,

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

Section 1. KRS 61.300 is amended to read as follows:

No person shall serve as a deputy sheriff, deputy constable, patrol or other nonelective peace officer, or deputy peace officer, unless:

- (1) He is a citizen of the United States and is twenty-one (21) years of age or over;
- (2) If a deputy constable, he has resided in the county wherein he is appointed to serve for a period of at least two (2) years;~~and~~
- (3) If a deputy sheriff, he ***shall be a resident of the Commonwealth of Kentucky. A sheriff may require his or her deputies to reside in the county in which they serve***~~agrees to reside in the county wherein he is appointed within ninety (90) days of his appointment, and to continue his residence therein during the term of his appointment~~. Any deputy sheriff appointed pursuant to this section who has not been a resident of the county ***in which he serves*** for a period of at least two (2) years shall not be an active participant in any labor dispute and shall immediately forfeit his position if he violates this provision;
- ~~(4)(3)~~—He has never been convicted of a crime involving moral turpitude;
- ~~(5)(4)~~—He has not within a period of two (2) years 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; and
- ~~(6)(5)~~—He has complied with the provisions of KRS 15.333.

Section 2. KRS 350.052 is amended to read as follows:

- (1) Any officer appointed by the secretary pursuant to KRS 350.035(2) shall be empowered to arrest, without a warrant, any person detected by him to be violating the provisions of this chapter which constitute criminal offenses.
- (2) Any officer appointed by the secretary pursuant to KRS 350.035(2) shall have the authority to use physical force, which he believes necessary, in accomplishing any lawful arrest for a criminal offense; however, deadly physical force may be used only when the officer is authorized to make an arrest, the arrest is for a felony involving the threatened use of

physical force likely to cause death or serious physical injury, and the officer believes that the person to be arrested is likely to endanger human life unless arrested without delay.

- (3) Any officer appointed by the secretary pursuant to KRS 350.035(2) shall meet the qualifications set forth in KRS 61.300(1), (4),~~[(3)]~~ and (5)~~[(4)]~~ and shall prior to appointment:
 - (a) Successfully complete not fewer than eighty (80) hours of training in a program provided by the Department of Criminal Justice Training, Justice Cabinet, and dealing comprehensively with the subjects of criminal law and the law of arrest, search and seizure; and
 - (b) Demonstrate in written and practical examinations approved by the Department of Criminal Justice Training, Justice Cabinet, knowledge of and proficiency in firearms safety, range firing, the moral and legal aspects of firearms use, and first aid. **Approved April 21, 2000**

