

CHAPTER 103**(SB 129)**

AN ACT relating to donations to sheriffs.

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

Section 1. KRS 61.310 is amended to read as follows:

- (1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, constable, deputy constable, patrol or any other peace officer or deputy peace officer except those appointed pursuant to KRS 61.360 or 277.270 and those employed by a board of education.
- (2) ~~A peace officer~~ peace officer shall ***not*** receive any compensation or remuneration, directly or indirectly, from any person for the performance of any service or duty, except that he ***or she*** may be compensated for employment authorized by subsection (4) of this section ***and accept donations in accordance with subsection (8) of this section***. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.
- (3) (a) Peace officers shall receive for the performance of their services and duties only such compensation or remuneration as is regularly provided and paid out of the public funds to the amount and in the manner provided by law, except that they may be compensated from private funds for employment authorized by subsection (4) of this section ***and accept donations of private funds in accordance with subsection (8) of this section***.
(b) ***Except as set out in subsection (8) of this section***, donations made by persons to any governmental unit or officer thereof do not constitute public funds within the meaning of this subsection.
- (4) A peace officer may, while in office, and during hours other than regular or scheduled duty hours, act in any private employment as guard or watchman or in any other similar or private employment. However, he may not participate directly or indirectly, in any labor dispute during his off-duty hours. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.
- (5) No principal peace officer shall appoint or continue the appointment of any deputy contrary to the provisions of this section. When it appears by the affidavit of two (2) citizens, taxpayers of the county, filed with any principal peace officer, that there is reasonable cause to believe that any of his deputies are receiving compensation from private sources contrary to the provisions of this section, the peace officer shall forthwith investigate the charges contained in the affidavit, and if he finds the charges are true he shall forthwith remove any such deputy from office. Failure to do so shall constitute neglect of duty on the part of the principal peace officer, and he may be removed from office under the provisions of KRS 63.170.
- (6) In addition to being subject to removal from office, any peace officer who violates any of the provisions of this section shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or confined in jail for not more than one (1) year, or both.
- (7) Except as provided in ***subsection (8) of this section and*** KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer

thereof, either as a gift or donation for the performance of any public duty shall be fined not less than five hundred (\$500) nor more than five thousand dollars (\$5,000).

- (8) (a) *A sheriff may accept a donation of money or goods to be used for the public purposes of his or her office if the sheriff establishes a register for recording all donations that includes, at a minimum:*
1. *The name and address of the donor;*
 2. *A general description of the donation;*
 3. *The date of acceptance of the donation;*
 4. *The monetary amount of the donation, or its estimated worth; and*
 5. *Any purpose for which the donation is given.*

The register shall constitute a public record, be subject to the provisions of KRS 61.870 to 61.884, and be made available to the public for inspection in the sheriff's office during regular business hours.

- (b) *Any donation to a sheriff shall only be used to further the public purpose of the office and shall not be used for the private benefit of the sheriff, his or her deputies, or other employees of the office.*
- (c) *All donations made in accordance with this subsection shall be expended and audited in the same manner as other funds or property of the sheriff's office.*
- (d) *For the purposes of this section and Section 2 of this Act, a donation shall not be construed to mean a campaign contribution made to the sheriff for his or her reelection.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 521 IS CREATED TO READ AS FOLLOWS:

- (1) *If a sheriff responds to an offer to receive a donation of money or goods made available to the sheriff's office, then that action in itself shall not constitute a violation of KRS 521.030. If a sheriff accepts a donation of money or goods in accordance with the provisions of Section 1 of this Act, that acceptance in itself shall not constitute a violation of KRS 521.020 or 521.040.*
- (2) *The offering of a donation of money or goods to the office of the sheriff in accordance with the provisions of Section 1 of this Act shall not in itself constitute a violation of KRS 521.020, or KRS 521.040.*

Approved March 16, 2005.