

CHAPTER 141

(HB 609)

AN ACT relating to peace officers.

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

➔Section 1. KRS 61.886 is amended to read as follows:

- (1) As used in KRS 61.886 to 61.892:
 - (a) "Commission" means the Breaks Interstate Park Commission created in KRS 148.220; and
 - (b) "TVA" means the Tennessee Valley Authority.
- (2) The Tennessee Valley Authority or the Breaks Interstate Park Commission may apply to the Governor for the appointment and commissioning of peace officers. Such persons shall be selected from a list submitted by TVA or the commission to the Governor. The Governor, upon such application being made and upon the payment to *the Kentucky State Treasurer* ~~him or her~~ of a one (1) time fee of five dollars (\$5) for each officer to be appointed, shall appoint, for annually renewable terms of one (1) year, such persons or as many thereof as *the Governor* ~~he or she~~ deems proper to be such peace officers and shall give commissions to those appointed. Appointments and annual renewals of appointments under this subsection shall be subject to approval by the sheriff of each county in which the peace officer will normally operate, not including counties into which he or she may pursue and arrest persons under KRS 61.887. ***Such commissions shall be recorded in the office of Secretary of State.***
- (3) ***Upon the request of the commission, the commissioner of the Department of Parks may request the Governor to appoint and commission individuals designated by the commissioner that meet the requirements of Section 3 of this Act as peace officers. The Governor, upon such application being made and upon the payment to the Kentucky State Treasurer of a one (1) time fee of five dollars (\$5) for each officer to be appointed, shall appoint for annually renewable terms of one (1) year such persons or as many thereof as the Governor deems proper to be such peace officers and shall give commissions to those appointed. Appointments and annual renewals of appointments under this subsection shall be subject to approval by the sheriff of each county in which the peace officer will normally operate, not including counties into which he or she may pursue and arrest persons under KRS 61.887. Such commissions shall be recorded in the office of Secretary of State.***
- (4) No person shall be eligible for appointment and commission as a TVA or commission peace officer unless he or she has established to the satisfaction of the Governor that, except for county residency requirements, he or she:
 - (a) Possesses the qualifications prescribed for nonelective peace officers by KRS 61.300; and ~~if, in addition, that he or she~~
 - (b) Is a resident of Kentucky, or an adjoining state in which TVA or the commission operates, and has been for at least two (2) years at the time of his or her appointment.
- (5) ***A TVA or commission peace officer shall not be considered a hazardous duty position within the meaning of KRS 61.592 and shall not be eligible to participate in the Kentucky Law Enforcement Foundation Program fund unless the officer meets the requirements of KRS 15.382, 15.404, and 15.440.***

➔Section 2. KRS 61.887 is amended to read as follows:

- (1) (a) Each TVA or commission *peace* officer appointed and commissioned pursuant to KRS 61.886 to 61.892 throughout every county in the Commonwealth in which TVA or the commission operates or owns or controls property, including leasehold interests:
 1. ~~(a)~~ Shall have and exercise the powers of sheriffs in making arrests for public offenses committed upon, about, or against such property or on public roads and the rights-of-way passing through or over such property;
 2. ~~(b)~~ Shall have and exercise the powers of sheriffs in making arrests in any situation in which a person is placed in imminent danger of death or serious injury;

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3.~~(c)~~ Shall have authority to carry weapons for the reasonable purposes of his or her office and in performance of his or her assigned duties;

4.~~(d)~~ While in pursuit of a person fleeing after committing an act described in *subparagraph 1. or 2. of this paragraph* ~~(a) or (b) of this subsection~~, may pursue the person and make arrest anywhere in the Commonwealth; and

5.~~(e)~~ Shall be subject to all the liabilities of sheriffs.

(b) In addition to the powers enumerated in paragraph (a) of this subsection, commission peace officers shall have the power to enforce the rules and regulations of the commission.

(2) TVA officers *or commission peace officers* appointed and commissioned pursuant to KRS 61.886 to 61.892 may, throughout any county in the Commonwealth in which TVA *or the commission* operates or owns or controls property, including leasehold interests, have and exercise the powers of sheriff in that county if the sheriff of that county provides prior written authorization to the TVA *or commission* defining the extent of supplemental authority being granted. Any supplemental authority granted pursuant to this subsection shall expire with the officer's commission granted under KRS 61.886 and may be renewed, as provided in this subsection, upon renewal of the commission authorized under KRS 61.886.

(3) When countywide authority has not been granted under subsection (2) of this section, a sheriff of a county in which the TVA *or commission* has property, the chief of police of a city within the county, or the commissioner of the Department of Kentucky State Police may extend peace officer authority within the city or county, as appropriate, during a disaster or other emergency.

➔SECTION 3. A NEW SECTION OF KRS 61.886 TO 61.892 IS CREATED TO READ AS FOLLOWS:

(1) *The commissioner of the Department of Parks shall ensure that an employee of the commission that is being recommended by the commission to be appointed and commissioned in accordance with subsection (3) of Section 1 of this Act shall:*

(a) Meet the minimum qualifications of subsection (4) of Section 1 of this Act;

(b) Abide by the Department of Parks' law enforcement in-service training requirements, if any; and

(c) Abide by the law enforcement directive of the Department of Parks, unless exceptions by the department are granted in writing.

(2) *Expenses associated with training and equipping an employee of the commission as a commission peace officer to the Department of Parks' standards shall be paid by the commission unless otherwise agreed upon by the department.*

Signed by Governor April 27, 2016.