

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Internal Investigations Branch**  
**(Amendment)**

**500 KAR 3:010. Definitions.**

RELATES TO: KRS 61.360

STATUTORY AUTHORITY: KRS 15A.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 authorizes the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations in accordance with KRS Chapter 13A and direct proceedings and actions for the administration of all laws and functions which are vested in the cabinet, except laws and functions vested in the Department for Public Advocacy. KRS 61.360 authorizes the Governor or the Governor's agent to appoint Special Local Peace Officers. This administrative regulation establishes definitions for~~[defines terms used in]~~ 500 KAR Chapter 3 regulating commissions for Special Local Peace Officers~~[which pertain to the administration of KRS 61.360, "The Special Local Peace Officer Act", by the Governor or his designee].~~

Section 1. Definitions.

- (1) "Cabinet" means the Justice and Public Safety Cabinet as defined by KRS 61.900(3).
- (2) "Commission" means a commission issued to an individual by the Secretary of the Justice and Public Safety Cabinet, entitling the individual to perform special local peace officer duties on specific private property.
- (3) "Private property" means specific, identified real property currently owned by an individual or entity~~[, company, or agency]~~ in the Commonwealth of Kentucky.
- (4) "Property owner" means:
  - (a) The individual in the Commonwealth of Kentucky seeking appointment of a commission of a special local peace officer to protect the premises of a specific, identified private property that he or she owns; or
  - (b) A duly authorized agent or officer of an entity seeking appointment of a commission of a special local peace officer to protect the premises of a specific, identified private property owned by an entity rather than a person [~~"SLPO" means Special Local Peace Officer~~].
- (5) "SLPO Act" means the Kentucky Revised Statutes cited in 500 KAR 3:020, Section 2(7)(a).
- (6) "SLPO program administrator" means the person designated or~~[administrator]~~ appointed by the Secretary of the ~~[Justice]~~ cabinet to administer the Special Local Peace Officer Program whose address is: SLPO Program Administrator, Justice and Public Safety Cabinet, Internal Investigations Branch ("IIB"), 125 Holmes Street, Frankfort, Kentucky 40601.
- (7) ~~[(6)]~~ "Special local peace officer," or "SLPO" means an officer described in and appointed pursuant to~~[one who meets the requirements of]~~ KRS 61.360 and whose duties include:
  - (a) The protection of specific private property from intrusion, entry, larceny, vandalism, abuse, waste, or trespass;
  - (b) The prevention, observation or detection of, or apprehension for, unlawful activity on specific private property~~[premises]~~;
  - (c) The control of the operation and parking of motor vehicles, bicycles, and other vehicles, and the movement of pedestrian traffic on specific private property; and
  - (d) The answering of any intrusion alarm on specific private property.

*KERRY HARVEY, Secretary*

APPROVED BY AGENCY: March 16, 2023

FILED WITH LRC: March 21, 2023 at 12:30 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on June 26, 2023, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Nathan Goens, Attorney, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email [Justice.RegContact@ky.gov](mailto:Justice.RegContact@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Nathan Goens

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This regulation defines terms used in 500 KAR Chapter 3, which regulates commissions for special local peace officers.

**(b) The necessity of this administrative regulation:**

This regulation is necessary for the efficient administration of the Special Local Peace Office Act.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

The authorizing statutes permit the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations in accordance with KRS Chapter 13A and direct proceedings and actions for the administration of all laws and functions which are vested in the cabinet, except laws and functions vested in the Department for Public Advocacy. KRS 61.360 authorizes the Governor or the Governor's agent to appoint Special Local Peace Officers.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

The regulation provides definitions for the chapter.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The amendment provides additional definitions to assist property owners wishing to employ a commission SLPO.

**(b) The necessity of the amendment to this administrative regulation:**

The amendment is necessary to provide clarification to property owners wishing to employ a commission SLPO.

**(c) How the amendment conforms to the content of the authorizing statutes:**

The authorizing statutes permit the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations in accordance with KRS Chapter 13A and direct proceedings and actions for the administration of all laws and functions which are vested in the cabinet, except laws and functions vested in the Department for Public Advocacy. KRS 61.360 authorizes the Governor or the Governor's agent to appoint Special Local Peace Officers.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment provides additional definitions to clarify the chapter.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This affects any private property owner wishing to employ an SLPO, those individuals seeking commission as a SLPO, and the Internal Investigations Branch in its investigation of SLPO commissions.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the**

**change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

The regulated entities will need to follow the new definitions.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

Additional cost is not anticipated.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

The chapter is more clear.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

An increase in cost is not anticipated.

**(b) On a continuing basis:**

An increase in cost is not anticipated.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

Funds budgeted for the biennium.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

An increase in fees or funding is not anticipated.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

The amendment does not create or increase any fee.

**(9) TIERING: Is tiering applied?**

No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

## FISCAL NOTE

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

The Internal Investigations Branch in its investigation of SLPO commissions.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 15A.160, 61.360

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

Revenue is generated by the fee in the statute and is not generated by this administrative regulation.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

Revenue is generated by the fee in the statute and is not generated by this administrative regulation.

**(c) How much will it cost to administer this program for the first year?**

Costs are not associated with this administrative regulation establishing definitions.

**(d) How much will it cost to administer this program for subsequent years?**

Costs are not associated with this administrative regulation establishing definitions.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

Cost savings are not anticipated.

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

Cost savings are not anticipated.

**(c) How much will it cost the regulated entities for the first year?**

The regulation does not increase costs from what is budgeted for the biennium.

**(d) How much will it cost the regulated entities for subsequent years?**

An increase in costs is not anticipated.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] A major economic impact is not anticipated.