

AN ACT relating to constables.

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

➔Section 1. In enacting legislation relating to constables, it is the intent of the General Assembly to encourage constables and deputy constables to participate in approved training programs to improve the constables' and deputy constables' skills in serving the people of this Commonwealth.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

(1) Each constable or deputy constable that successfully completes the Constable Certification Program created in Section 4 of this Act shall receive a one (1) time incentive payment of nine hundred dollars (\$900).

(2) Each certified constable or deputy constable that satisfactorily completes a forty (40) hour in-service program as provided in KRS 15.404(2) shall receive an incentive payment of nine hundred dollars (\$900), limited to one (1) incentive payment per year.

(3) The incentive payments provided by this section shall be paid from the fund created in Section 5 of this Act and shall not be:

(a) Included in any calculation for retirement purposes for any constable or deputy constable participating in any retirement system managed by the Kentucky Retirement Systems; and

(b) Considered compensation in determining the maximum compensation allowed an officer under the Constitution of Kentucky.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

No constable or deputy constable shall be eligible to be certified under the Constable Certification Program created in Section 4 of this Act who has been:

(1) Dishonorably discharged from the Armed Forces of the United States;

- (2) Convicted in any jurisdiction of any felony offense or crime for which he or she has not received a full pardon;
- (3) Convicted of six (6) or more offenses of any nature within the three (3) years prior to election or appointment; or
- (4) Declared mentally disabled or incompetent by reason of mental retardation or disease by any court of competent jurisdiction and has not had the declaration removed.

➔SECTION 4. A NEW SECTION OF KRS 15.310 TO 15.404 IS CREATED TO READ AS FOLLOWS:

- (1) There is hereby created a Constable Certification Program that shall consist of the following components:
 - (a) Forty (40) hours of instruction on basic officer skills;
 - (b) Twenty-four (24) hours of instruction on the penal code; and
 - (c) Sixteen (16) hours of instruction on constitutional procedures.
- (2) The specific content of courses within each component of the Constable Certification Program shall be established, regulated, and provided by the Kentucky Department of Criminal Justice Training.
- (3) The Constable Certification Program shall be provided at least once during each fiscal year unless there are fewer than twenty (20) constables or deputy constables preregistered to attend the certification program.
- (4) The Department of Criminal Justice Training may, to the extent feasible, contract with the Kentucky Community and Technical College System to provide online instruction related to the penal code and constitutional procedures components.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

- (1) In order to provide better training to constables and deputy constables and to

encourage these officers to obtain training, there is hereby created within the State Treasury the constable certification fund, to be administered by the Department for Local Government.

- (2) In addition to the fees collected under Sections 8 and 9 of this Act, the fund may receive state appropriations, gifts, grants, and federal funds.
- (3) Moneys in the fund shall only be used to pay the direct costs of the Constable Certification Program created in Section 4 of this Act, and the incentive payments provided for under Section 2 of this Act.
- (4) The Department for Local Government shall annually adjust the incentive payments provided for under Section 2 of this Act in accordance with the formula provided in KRS 64.527.
- (5) Notwithstanding KRS 45.229, any moneys remaining in the constable certification fund at the close of the fiscal year shall not lapse, nor shall they be used for any other purpose.
- (6) If insufficient funds exist in the constable certification fund to provide the incentive payments due at any time, the Department for Local Government shall prorate available funds for equal distribution to eligible recipients.
- (7) The Department for Local Government shall promulgate administrative regulations as necessary in accordance with KRS Chapter 13A, in order to administer this section.

➔Section 6. KRS 15.310 is amended to read as follows:

As used in KRS 15.315 to 15.510, 15.990, and 15.992, unless the context otherwise requires:

- (1) "Basic training course" means the peace officer or court security officer basic training course provided by the Department of Criminal Justice Training or a course approved and recognized by the Kentucky Law Enforcement Council;
- (2) "Certified constable" means a constable or deputy constable who is certified

under Section 4 of this Act:

- (3)** "Certified court security officer" means a court security officer who is certified under KRS 15.380 to 15.404;
- (4)**~~(3)~~ "Certified peace officer" means a peace officer who is certified under KRS 15.380 to 15.404;
- (5)**~~(4)~~ "Certification" means the act by the council of issuing certification to a peace officer or court security officer who successfully completes the training requirements pursuant to KRS 15.404 and the requirements set forth within this chapter;
- (6)**~~(5)~~ "Council" means the Kentucky Law Enforcement Council established by KRS 15.315 to 15.510, 15.990, and 15.992;
- (7)**~~(6)~~ "Court security officer" means a person required to be certified under KRS 15.380(1)(c) and who is charged with the duties set out in KRS 70.280;
- (8)**~~(7)~~ "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
- (9)**~~(8)~~ "Law enforcement officer" means a member of a lawfully organized police unit or police force of county, city or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as sheriffs, sworn deputy sheriffs, campus police officers, law enforcement support personnel, public airport authority security officers, other public and federal peace officers responsible for law enforcement, and special local peace officers licensed pursuant to KRS 61.360;
- (10)**~~(9)~~ "Peace officer" means a person defined in KRS 446.010;
- (11)**~~(10)~~ "Secretary" means the secretary of the Justice and Public Safety Cabinet; and
- (12)**~~(11)~~ "Validated job task analysis" means the minimum entry level qualifications and training requirements for peace officers in the Commonwealth based upon an actual survey and study of police officer duties and responsibilities conducted by an

entity recognized by the Kentucky Law Enforcement Council as being competent to conduct such a study.

➔SECTION 7. A NEW SECTION OF KRS 15.310 TO 15.404 IS CREATED TO READ AS FOLLOWS:

The position of certified constable or deputy constable shall not be considered as a hazardous duty position as defined in KRS 61.592 and shall not be eligible to participate in the Kentucky Law Enforcement Foundation Program Fund.

➔Section 8. KRS 23A.2065 is amended to read as follows:

In addition to the twenty dollar (\$20) fee created by KRS 23A.206, in criminal cases a **fifteen dollar (\$15)**~~ten dollar (\$10)~~ fee shall be added to the costs imposed by KRS 23A.205 that the defendant is required to pay, **to be allocated as follows:**~~;~~

(1) The first five dollars (\$5) of each fee collected under this section shall be placed into the general fund;~~;~~

(2) **The second five dollars (\$5) of each fee collected**~~and the remainder of the fee~~ shall be allocated to the Cabinet for Health and Family Services for the implementation and operation of a telephonic behavioral health jail triage system as provided in KRS 210.365 and 441.048; **and**

(3) **The remainder of each fee collected shall be allocated to the constable certification fund, and used by the Department for Local Government for the purposes set out in Section 5 of this Act.**

➔Section 9. KRS 24A.1765 is amended to read as follows:

In addition to the twenty dollar (\$20) fee created by KRS 24A.176, in criminal cases a **fifteen dollar (\$15)**~~ten dollar (\$10)~~ fee shall be added to the costs imposed by KRS 24A.175 that the defendant is required to pay.

(1) The first five dollars (\$5) of each fee collected under this section shall be placed into the general fund;~~;~~

(2) **The second five dollars (\$5) of each fee collected**~~and the remainder of the fee~~

shall be allocated to the Cabinet for Health and Family Services for the implementation and operation of a telephonic behavioral health jail triage system as provided in KRS 210.365 and 441.048; and

(3) The remainder of each fee collected shall be allocated to the constable certification fund, and used by the Department for Local Government for the purposes set out in Section 5 of this Act.

➔Section 10. KRS 61.315 is amended to read as follows:

- (1) As used in this section, "police officer" means every paid police officer, sheriff~~[-]~~ or deputy sheriff, constable or deputy constable certified pursuant to Section 4 of this Act, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state; "firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations.
- (2) The spouse of any police officer, sheriff, deputy sheriff, constable or deputy constable certified pursuant to Section 3 of this Act, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-

county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general expenditure fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:

- (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and
- (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.

If a child dies before reaching the age of eighteen (18) years, his or her account shall be paid to his or her estate. If there are no surviving children, the payment shall be made to any parents of the deceased.

- (3) The Commission on Fire Protection Personnel Standards and Education shall be authorized to promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter

has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

- (4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.
- (5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.
- (6) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.
- (7) The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

(8) Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

➔Section 11. KRS 64.190 is amended to read as follows:

Constables may collect~~[for the following services the following fees:~~

Making arrests for violations involving a motor	
—— vehicle on the public highways\$0.50
Taking up a vagrant50
Killing a mad dog1.00
Killing and burying a distempered horse, ass or mule3.00
Killing and burying any other cattle, per head2.00
Altering a stud, jackass or bull1.00

~~Any other services,] the same fees allowed sheriffs for similar services.~~

➔Section 12. KRS 189.910 is amended to read as follows:

(1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by:

- (a) The Department of Kentucky State Police;
- (b) A public police department;
- (c) The Department of Corrections;
- (d) A sheriff's office;
- (e) A rescue squad;
- (f) An emergency management agency if it is a publicly owned vehicle;
- (g) An ambulance service or medical first-response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;
- (h) Any vehicle commandeered by a police officer;

- (i) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;
 - (j) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;~~[-or]~~
 - (k) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;or
 - (l) A constable or deputy constable certified under Section 4 of this Act.
- (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.
- ➔Section 13. KRS 454.140 is amended to read as follows:
- (1) Every process in an action or proceeding shall be directed to the sheriff of the county or any constable; or, if he or she be a party, or be interested, to the coroner; or, if he or she be interested, to the jailer~~[-; or, if all these officers be interested, to any constable]~~.
 - (2) The summons or an order for a provisional remedy, in an action or proceeding, shall~~may~~, at the request of the party in whose behalf it is issued, be directed to any of the officers named in subsection (1) of this section who is not a party to nor interested in the action.