

AN ACT relating to constables and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

- (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 their constable and deputy constable skills in serving the people of the Commonwealth.
- (2) Each constable or deputy constable that successfully completes the Constable Certification Program created in Section 3 of this Act shall receive an incentive payment of nine hundred dollars (\$900), limited to one (1) incentive per year.
- (3) Each constable or deputy constable certified by the Kentucky Law Enforcement Council who 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 per year.
- (4) A constable or deputy constable may qualify for either the incentive payment provided in subsection (2) or (3) of this section but may not qualify for both.
- (5) The incentive payments provided by this section shall be paid from the fund created in Section 4 of this Act and shall:
- (a) Be annually adjusted by the Department for Local Government in accordance with the formula provided in KRS 64.527; and
- (b) Not be:
1. Included in any calculation for retirement purposes for any constable or deputy constable otherwise participating in any retirement program managed by the Kentucky Retirement System; or
2. Considered compensation in determining the maximum compensation allowed an officer under the Constitution of Kentucky.

➔SECTION 2. 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 3 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 of moral turpitude for which he or she has not received a full pardon;
- (3) Convicted of six (6) or more offenses of any nature in the three (3) years prior to election or appointment; or
- (4) Declared mentally disabled by reason of an intellectual disability by any court of competent jurisdiction and has not had the declaration removed.

➔SECTION 3. A NEW SECTION OF KRS 15.310 TO 15.510 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section, "department" means the Kentucky Department of Criminal Justice Training.
- (2) There is hereby created a Constable Certification Program that shall consist of the following:
 - (a) Forty (40) hours of instruction on basic officer skills;
 - (b) Twenty-four (24) hours of instruction on the Kentucky Penal Code; and
 - (c) Sixteen (16) hours of instruction on constitutional procedures.
- (3) The department shall establish, regulate, and provide the instruction outlined in subsection (2) of this section. The instruction shall be provided at least once each fiscal year.
- (4) The department may, to the extent feasible, contract with the Kentucky Community and Technical College System to provide online instruction on the Kentucky Penal Code and constitutional procedures.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO

READ AS FOLLOWS:

- (1) As used in this section, "department" means the Department for Local Government.
- (2) In order to provide better training to constables and deputy constables and to encourage these officers to obtain training, there is hereby created the constable certification fund. The fund shall be a trust and agency account administered by the department.
- (3) In addition to the fees collected under Sections 7 and 8 of this Act, the fund may receive contributions, gifts, grants, donations, devises, state appropriations, and federal appropriations.
- (4) Money in the fund shall only be used to pay for the direct costs of the Constable Certification Program created in Section 3 of this Act and for the incentive payments provided by Section 1 of this Act.
- (5) If insufficient funds exist in the fund to provide for the incentive payments provided by Section 1 of this Act, the department shall prorate available funds for equal distribution to recipients.
- (6) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the next fiscal year to be used in accordance with subsection (4) of this section.
- (7) Any interest earnings of the fund shall become a part of the fund.
- (8) Money in the fund is hereby appropriated for the purposes set forth in subsection (4) of this section.
- (9) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A in order to administer this section.

➔Section 5. 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 3 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 6. A NEW SECTION OF KRS 15.310 TO 15.510 IS CREATED TO READ AS FOLLOWS:

A certified constable shall not be considered a hazardous duty position within the meaning of KRS 61.592 and shall not be eligible to participate in the Law Enforcement Foundation Program fund.

➔Section 7. 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. The first five dollars (\$5) of each fee collected under this section shall be placed into the general fund, **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 the remainder of the fee shall be placed into the constable certification fund created by Section 4 of this Act.**

➔Section 8. 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. The first five dollars (\$5) of each fee collected under this section shall be placed into the general fund, **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 the remainder of the fee shall be placed into the constable certification fund created by Section 4 of this Act.

➔Section 9. 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 10. 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 by the Kentucky Law Enforcement Council or certified under Section 3 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 11. 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.