

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2021 REGULAR SESSION
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Amend printed copy of **SB 126/GA**

On page 1, after line 2, insert the following:

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

(1) Except as provided in subsection (2) of this section, for any constable or deputy constable taking office after January 1, 2023, who was not a constable or deputy constable in the preceding four (4) year term of office, the powers and duties of the office of constable shall not include the general powers of a peace officer or police officer. The powers and duties of the office of constable shall include:

(a) The specific powers and duties enumerated in this chapter;

(b) The power to distrain for his or her fees or for that of other officers as provided in KRS 64.400;

(c) The power to take necessary steps to stop, prevent, or bring under control any dog found chasing or molesting wild elk or deer at any time as provided in KRS 150.390;

(d) The power, in a county containing a city of the first class, to serve all forms of legal process in any child support action as provided in KRS 205.782;

(e) The power to sell property to satisfy a lien created by a taker-up of boats, rafts, platforms, or timber as provided in KRS 364.020;

Amendment No. HFA 1

Rep. Rep. Steven Rudy

Committee Amendment _____

Floor Amendment _____

Adopted: _____

Rejected: _____

Signed: _____

LRC Drafter: _____

Date: _____

Doc. ID: XXXX

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- (f) The power to serve a warrant to levy and seize upon the baggage and other personal property of a guest for unpaid services to the keeper of a hotel, inn, boarding house, or house of private entertainment as provided in KRS 376.350;**
- (g) The power to enforce a lien for the care of livestock as provided in KRS 376.410;**
- (h) The power to execute a warrant in actions regarding forcible entry or detainers as provided in KRS 383.210 and 383.245;**
- (i) The power to serve subpoenas issued by the Parole Board as provided in KRS 439.390; and**
- (j) The power to take up vagrants, kill mad dogs, kill and bury a distempered horse, ass, or mule, kill and bury cattle, and alter a stud, jackass, or bull as provided in KRS 64.190.**
- (2) After January 1, 2023, no constable who is elected for the first time or a deputy constable appointed pursuant to Section 12 of this Act shall be granted the powers generally applicable to peace officers and police officers unless the individual has been certified and maintains his or her certification pursuant to KRS 15.380.**

➔Section 2. KRS 15.707 is amended to read as follows:

The Prosecutors Advisory Council shall have the power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of any matter that it is authorized to consider or reasonably necessary therefor. Subpoenas may be signed and oaths administered by any member of the council. Subpoenas so issued shall be served by any sheriff, ~~constable,~~ police officer, or other peace officer at the request of the council, and a return of subpoena shall be made to the council in the same manner as similar process in the Circuit Court. Any person who refuses to testify, testifies falsely, or fails to appear when subpoenaed, or fails or refuses to produce documents, records, or other such material when subpoenaed, or fails or refuses to serve a

subpoena or execute a return thereon, upon citation by the Franklin Circuit Court and after hearing by the court, shall be subject to the same order and penalties to which persons before that court are subject. Any Circuit Court, upon application of the council or the Attorney General, may compel the attendance of witnesses, the production of documents, records, or other such material, and the giving of testimony before the council.

→Section 3. KRS 16.060 is amended to read as follows:

It shall be the duty of the commissioner, each officer of the department, and each individual employed as a Trooper R Class or CVE R Class to detect and prevent crime, apprehend criminals, maintain law and order throughout the state, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well as the motor vehicle and traffic laws of the Commonwealth. To this end the commissioner, each officer of the department, and each individual employed as a Trooper R Class or CVE R Class is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables granted peace officer powers and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables granted peace officer powers and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the commissioner, any officer of the department, and each individual employed as a Trooper R Class or CVE R Class.

→Section 4. KRS 61.300 is amended to read as follows:

No person shall serve as a deputy sheriff, ~~deputy constable,~~ patrol or other nonelective peace officer, or deputy peace officer, unless:

(1) He is a citizen of the United States and is twenty-one (21) years of age or over;

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- (2) ~~If a deputy constable, he has resided in the county wherein he is appointed to serve for a period of at least two (2) years;~~
- (3) ~~A sheriff may require his or her deputies to reside in the county in which they serve. Any deputy sheriff appointed pursuant to this section who has not been a resident of the county in which he serves for a period of at least two (2) years shall not be an active participant in any labor dispute and shall immediately forfeit his position if he violates this provision;~~
- ~~(3)(4)~~ He has never been convicted of a crime involving moral turpitude;
- ~~(4)(5)~~ He has not within a period of two (2) years hired himself out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private policemen, or private guards, or advertised or solicited any such business in connection with any labor dispute; and
- ~~(5)(6)~~ He has complied with the provisions of KRS 15.334.

➔Section 5. KRS 61.310 is amended to read as follows:

- (1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, constable~~, or~~ deputy constable ***granted peace officer powers***, 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 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 KRS 521.060, a donation shall not be construed to mean a campaign contribution made to the sheriff for his or her reelection.

➔Section 6. KRS 63.170 is amended to read as follows:

Any "peace officer" as defined in KRS 61.310 or constable who violates any of the provisions of subsections (2), (4), or (5) of KRS 61.310 may be removed from office by the same courts and in the same manner that a nonelective peace officer may be removed under the provisions of KRS 63.180.

→Section 7. KRS 63.180 is amended to read as follows:

- (1) Any person serving as a nonelective peace officer, ~~or~~ deputy peace officer, or deputy constable in violation of the provisions of KRS 61.300 shall be subject to removal. The Circuit Court of the county in which such person is serving and the Circuit Court of Franklin County shall have concurrent jurisdiction of all proceedings for the removal of any such person. The proceedings shall be in equity and the procedure shall be as set forth in subsections (2), (3) and (4) of this section.
- (2) The Commonwealth's attorney of the judicial circuit or the county attorney of the county in which such person is serving, the Attorney General, or any three (3) or more citizens of said county may file a petition in equity setting forth the facts constituting a violation of the provisions of KRS 61.300. If instituted by the Commonwealth's attorney, county attorney or Attorney General, the proceeding shall be in the name of the Commonwealth, and if instituted by three (3) or more citizens, it shall be in the name of such citizens as plaintiffs. A copy of the petition shall be served upon the person complained against, who shall have ten (10) days in which to answer.
- (3) Thereafter the proceeding shall be heard and determined by the court as a proceeding in equity. The court shall render a final judgment within sixty (60) days from the date the petition is filed, unless the court, for good cause shown, extends the time for the final hearing, but in no case shall it be extended beyond ninety (90) days from the date the petition is filed.
- (4) If it appears upon final hearing that any nonelective peace officer or deputy peace

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officer is disqualified under the provisions of KRS 61.300, the court shall enter a judgment forthwith removing the officer from office.

→Section 8. KRS 64.060 is amended to read as follows:

(1) Sheriffs, constables **granted peace officer powers**, coroners, marshals, and policemen shall be paid out of the State Treasury for the following services the following fees:

(a) Apprehending a person on charge of felony, or a fugitive

from justice charged with a felony in this state\$10.00

(b) Executing a process of contempt in a criminal

case when the court excuses the contempt1.60

(c) Executing a summons upon a witness in behalf

of the Commonwealth in a felony case3.00

(d) Summoning a jury, on order of a court, in a county other than that in which the action is pending, a reasonable allowance to be fixed by the court.

(e) Summoning and attending a jury in a case of felony2.50

(2) No claim for services incidental to examining courts shall be allowed to any sheriff, deputy sheriff, constable, marshal, policeman, or other officer authorized to execute process in felony cases until the grand jury has returned an indictment for a felony.

(3) Constables and deputy constables authorized to exercise the powers of a peace officer under subsection (2) of Section 1 of this Act shall be entitled to the fees provided under subsection (1) of this section and shall be subject to the requirements of subsection (2) of this section.

→Section 9. KRS 64.190 is amended to read as follows:

Constables may collect for the **performance of the** following services the following fees, **as long as such services are provided in accordance with other applicable laws:**

Making arrests for violations involving a motor

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vehicle on the public highways	\$0.50
Taking up a vagrant50
Killing a mad dog	1.00
Killing and burying a distempered horse, ass or mule	3.00
Killing and burying any other cattle, per head	2.00
Altering a stud, jackass or bull	1.00
Any other services <i>a constable is authorized by law to perform</i> , the same fees allowed sheriffs for similar services.	

➔Section 10. KRS 64.200 is amended to read as follows:

- (1) In counties containing a population of over 250,000, ***excluding urban-county governments or consolidated local governments***, for the performance of the duties of his office, each constable shall be exclusively compensated by a salary of nine thousand six hundred dollars (\$9,600) per annum to be paid in equal monthly installments out of the county treasury.
- (2) Each constable and deputy constable, ***if deputy constables have been authorized under Section 12 of this Act***, shall daily deliver or cause to be delivered to the recorder for the justice's district in which he holds office all moneys received or collected by him by virtue of his office, or the recorder may receive such moneys for the officer, and in either event the recorder shall daily issue to each officer a receipt for moneys received from or for him. Each recorder shall keep such records of each daily transaction, in such manner and form, and showing such information, as the fiscal court of the county requires.
- (3) All moneys received or collected on account of or resulting from the performance of the duties or the exercise of the powers incident to the offices of constable and deputy constable, ***if deputy constables have been authorized under Section 12 of this Act***, shall be paid into the county treasury.
- (4) Before the tenth day of each calendar month the recorder for each justice's district shall

prepare a sworn statement showing the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of constable and deputy constable, if deputy constables have been authorized under Section 12 of this Act. The statement shall be in the form and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one (1) or more copies of the monthly statement to the fiscal court, or such person as the fiscal court designates, and at the same time deliver by certified check, payable to the order of the county treasurer, the total sum of money received by the recorder under the provisions of this section during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this section in a bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.

➔Section 11. KRS 70.310 is amended to read as follows:

- (1) Every constable and each deputy constable appointed under Section 12 of this Act shall execute a bond in an amount determined sufficient by the fiscal court or the legislative council of the urban-county government, or legislative body of a consolidated local government, the minimum amount of which shall be~~of~~ ten thousand dollars (\$10,000), with good sureties approved by the fiscal court.
- (2) The bond shall be recorded by the fiscal court with the county clerk, and the approval of the sureties shall be entered on the records of the fiscal court.
- (3) The bond shall be renewed biennially, and more often if required by the fiscal court or the legislative council of an urban-county government, or legislative body of a consolidated local government. When additional security is required of the constable or deputy

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constable, he **or she** shall be given **at least** ten (10) days' notice.

➔Section 12. KRS 70.320 is amended to read as follows:

(1) As used in this section:

- (a) "Authorized county" means a county containing either an eligible city or a consolidated local government; and
- (b) "Eligible city" means a city on the registry maintained by the Department for Local Government under subsection ~~(6)~~~~(5)~~ of this section.

(2) The appointment of deputy constables shall be allowed only in authorized counties. In authorized counties, each constable may appoint one (1) or more deputies, **but only** with the consent of the county judge/executive or the mayor ~~of, in~~ a consolidated local government **or urban-county government**~~[, as the case may be]~~. **The county judge/executive or the mayor in a consolidated local government, or urban-county government:**

- (a) Shall determine, by written order, the number of authorized deputy constable positions;**
- (b) Shall approve, by written order, each individual nominated by the constable to serve as a deputy constable;**
- (c) May revoke, by written order, the authorization for the appointment of deputy constables at any time;**
- (d) May, by written order, reduce the number of authorized deputy constables in his or her discretion; or**
- (e) May, by written order, remove any individual from the office of deputy constable at any time for any cause that he or she may deem sufficient.**

(3) No person shall be appointed a deputy constable unless he or she:

- (a) Is a citizen of the United States and is twenty-one (21) years of age or over;**

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- (b) Has resided in the county where he or she is appointed to serve for a period of at least two (2) years;
- (c) Has never been convicted of a felony offense or any crime involving moral turpitude;
- (d) Has not within a period of two (2) years hired himself or herself out, performed any service, or received any compensation from any private source for acting as a privately paid detective, police officer, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private police officers, or private guards, or advertised or solicited any such business in connection with any labor dispute;
- (e) Meets the requirements of subsections (3) to (17) of KRS 15.382; and
- (f) Has complied with the provisions of KRS 15.334.
- (4) A deputy~~[The]~~ constable appointed under this section shall execute a bond in accordance with Section 11 of this Act~~[and his or her surety are liable on his or her bond for all the acts and omissions of his or her deputies].~~
- ~~[(3) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county judge/executive or the mayor in a consolidated local government, as the case may be, entered after filing of a written direction by the constable.]~~
- ~~(5)~~~~[(4)]~~ Each deputy constable in counties containing a consolidated local government or city of the first class shall be compensated for his or her services by salary fixed by the consolidated local government or fiscal court, and paid out of the levy of the consolidated local government or county.
- ~~(6)~~~~[(5)]~~ On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first

or second classes. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 13. KRS 70.350 is amended to read as follows:

- (1) Constables may execute warrants where specifically authorized by statute, and summons, subpoenas, attachments, notices, rules and orders of court in all criminal, penal, and civil cases, and shall return all process placed in his hands to the courts or persons issuing them, on or before the return day, noting the time of execution on them.
- (2) A constable may exercise the duties of his office in any part of the county, but shall not execute any process in which he is personally interested except fee-bills for his own service. He shall not levy on or sell land, or any interest therein.
- (3) The constable shall not be compelled to receive a precept, fee-bill or order for witness attendance, or other claim against any person who is known to be and to reside out of his district, unless the precept is in behalf of the Commonwealth or is a precept against property in his district. But if a constable voluntarily receives such precept, fee-bill, order for witness attendance or other claim, he and his sureties shall be accountable for the same as if the person it is against resided or was in his district, or had property therein.

➔Section 14. KRS 70.410 is amended to read as follows:

Recovery on the constable's or deputy constable's bond may be had by motion. At least ten (10) days' notice, specifying the grounds of the motion, shall be given. If not executed on all persons liable on the bond, the motion may proceed against those notified.

➔Section 15. KRS 70.430 is amended to read as follows:

- (1) Constables~~[in counties containing a population of over 250,000]~~ on or before the tenth day of each calendar month shall make a report~~[to the county clerk]~~ concerning the performance of the duties of office by himself and his deputies, if deputies have been authorized under Section 12 of this Act, during the next preceding calendar month. The

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reports shall be made:

(a) To the county clerk in counties containing an urban-county government or a consolidated local government; or

(b) To the county fiscal court in all other counties.

(2) The reports required under subsection (1) of this section shall be in the form and include any information required by the office to which the report is to be submitted under subsection (1) of this section, but shall at a minimum contain:

(a) ~~{Under the heading of civil matters, the report shall contain }~~A statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed;~~{-}~~

(b) A statement showing the amount of any fee or fees collected on each civil service of process;

~~(c){(b)}~~ ~~{Under the heading of criminal matters}~~**If the constable is qualified and is authorized to execute warrants in criminal matters or otherwise exercise the powers of a peace officer under Section 1 of this Act,**~~{the report shall contain}~~ a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant; the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the

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name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned and unexecuted, and not returned, and not executed; **and**[-.]

~~(d)(e)~~ Under the heading of other matters,[- the report shall contain] a **complete and detailed**[-brief but adequate] report upon **each and** all other acts of the constable and his deputies performed under authority, or under color of authority, of office.

~~(3)(2)~~ Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. **Upon request**,[-The clerk shall cause] attested copies **of the reports shall** [-thereof to] be promptly delivered to the county judge/executive, **the mayor of an urban-county government or consolidated local government**, the county attorney, **or**[-and] the attorney for the Commonwealth.

- (4) (a) 1. In consideration of the collection and administration of the reports required to be submitted to fiscal courts under subsection (1)(b) of this section, the fiscal court or legislative body of any county greater than seventy thousand (70,000) shall be entitled to collect a fee in a sum equal to twenty-five percent (25%) of the total receipts reported each calendar month that were actually collected by the reporting constable. The administrative fee required by this subsection shall be submitted by the constable at the same time as the report required by subsections (1) and (2) of this section.**
- 2. In counties of seventy thousand (70,000) or less, the reports required to be submitted to fiscal courts under subsection (1)(b) of this section shall be sufficient.**

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(b) If an urban-county government or a consolidated local government elects by ordinance, the county clerk receiving reports under subsection (1)(a) of this section shall be entitled to collect the administrative fee provided in paragraph (a) of this subsection. If authorized, any fees collected by a county clerk under this subsection may be shared evenly between the county clerk and the county government, as provided in the ordinance.

→Section 16. KRS 70.440 is amended to read as follows:

No constable or deputy constable in any county~~[containing a population of over 250,000]~~ shall make, participate in making, or knowingly permit another to make a false entry, or omit, or participate in or permit the omission of, any proper entry, in his official books or records, or knowingly make or participate in the making of any false statement or report, **including reports required under Section 15 of this Act, or knowingly take any action** with intent to cheat or defraud the state, the county, or any person.

→Section 17. KRS 148.056 is amended to read as follows:

- (1) The commissioner of parks, in his discretion, may employ and commission park rangers as the commissioner deems necessary to secure the parks and property of the Department of Parks and to maintain law and order and such employees, when so commissioned, shall have all of the powers of peace officers and shall have on all parks property and on public highways transversing such property in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables **granted peace officer powers** and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs~~[, constables]~~ and police officers in any suit brought against them in consequence of acts done in the course of their employment.
- (2) The designation of any such employee as a peace officer shall be governed by the

provisions of KRS 61.300 except that he shall not be required to have resided in the county wherein he is to serve for a period of at least two (2) years, and he shall be required to file his photograph and affidavit only with the Franklin county clerk.

- (3) Any employee so commissioned shall be required to execute bond, subject to the provisions of KRS 62.170, for the faithful and lawful performance of his duties.

➔Section 18. KRS 150.100 is amended to read as follows:

The commissioner, all personnel of the department and all officers and other persons appointed by the commissioner may execute any process issued by a court, enforcing the provisions of this chapter or any law relating to the propagation or protection of fish and wildlife in the same manner as any ~~constable or~~ sheriff. To accomplish that purpose they may call any peace officer or other person to their aid.

➔Section 19. KRS 164.955 is amended to read as follows:

- (1) Police officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective public postsecondary education institution employing them. Without limiting the generality of the foregoing, such police officers are hereby specifically authorized and empowered, and it shall be their duty:

- (a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm and damage; and
- (b) To enforce, and to assist the officials of their respective institutions in the enforcement of, the lawful rules and regulations of said institution, and to assist and

cooperate with other law enforcement agencies and officers. Provided, however, that such police officers shall exercise the powers herein granted upon any real property owned or occupied by their respective institutions, including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

- (2) Police officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:
 - (a) When in immediate pursuit of an actual or suspected violator of the law;
 - (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;
 - (c) When requested to act by the chief of police of the city or county in which the institution's property is located;
 - (d) When requested to act by the sheriff of the county in which the institution's property is located;
 - (e) When requested to act by the commissioner of the Department of Kentucky State Police;
 - (f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d), or (e) of this subsection;
 - (g) When requested to assist a state, county or municipal police officer, sheriff, or other peace officer in the performance of his lawful duties; or
 - (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.

- (3) Police officers appointed pursuant to KRS 164.950 to 164.980 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided the investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the public postsecondary education institution. Where desirable and at the discretion of the public postsecondary education institution's police officials, the institution's police department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.
- (4) Police departments created and operated by the governing boards of public postsecondary education institutions shall, for all purposes, be deemed public police departments and the sworn police officers thereof are, for all purposes, deemed public police officers.
- (5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable ***granted police powers***, or other peace officer either on the property of an institution of postsecondary education or otherwise. ***Nor shall anything in KRS 164.950 to 164.980 be construed as a diminution or modification of the authority or responsibility of any constable.***

➔Section 20. KRS 183.881 is amended to read as follows:

- (1) Safety and security officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing airport board. Without limiting the generality of the foregoing, such safety and security officers are hereby specifically authorized and empowered, and it shall be their duty:

- (a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the airport facility of their respective airport board, and to protect all persons and property located thereon from injury, harm and damage;
- (b) To enforce, and to assist officials of their respective airport boards in the enforcement of the lawful rules and regulations of said airport board, and to assist and cooperate with the law enforcement agencies and officers.

Provided, however, that such safety and security officers shall exercise the powers herein granted upon any real property owned or occupied by their respective airport boards including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the airport board owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

- (2) Safety and security officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:
 - (a) When in hot pursuit of an actual or suspected violator of the law;
 - (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;
 - (c) When requested to act by the chief of police of the city or county in which the airport board's property is located;
 - (d) When requested to act by the sheriff of the county in which the airport board's property is located;
 - (e) When requested to act by the commissioner of the Department of Kentucky State Police;
 - (f) When requested to act by the authorized delegates of those persons or agencies listed

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- in paragraph (c), (d) or (e) of this subsection~~[above]~~;
- (g) When requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties; or
 - (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.
- (3) Safety and security officers appointed pursuant to KRS 183.110 and 183.880 to 183.886 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided such investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the airport board. Where desirable and at the discretion of the airport board's police officials, the airport board's safety and security department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.
- (4) Safety and security departments created and operated by the airport boards shall, for all purposes, be deemed public police departments and the sworn safety and security officers thereof are, for all purposes, deemed public police officers.
- (5) Nothing in KRS 183.110 and 183.880 to 183.886 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable granted police powers, or other peace officer either on the property of an airport board or otherwise. Nor shall anything in KRS 183.110 and 183.880 to 183.886 be construed as a diminution or modification of the authority or responsibility of any constable.

➔Section 21. KRS 189.950 is amended to read as follows:

- (1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so

arranged that it cannot be used as an ordinary warning signal.

- (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle any red or blue flashing, revolving, or oscillating light or place a red light on the front thereof. This subsection shall not apply to the use of red flashing lights on school buses or to stop lights or turn signals at the rear of any motor vehicle.
- (3) Except as otherwise provided for in this section, a person shall not illuminate a blue light that is affixed to a motor vehicle while operating the motor vehicle on a highway. This subsection shall not apply to:
 - (a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or
 - (b) Nonhalogen headlamps that have a slight blue tint and meet United States Department of Transportation regulations.
- (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public safety vehicles, shall be equipped with, nor shall any person use upon any vehicle any yellow flashing, revolving, or oscillating light. This subsection shall not apply to the use of yellow lights for turn signals; or to emergency flasher lights for use when warning the operators of other vehicles of the presence of a vehicular traffic requiring the exercise of unusual care in approaching, overtaking, or passing; or to vehicles operated by mail carriers while on duty; funeral escort vehicles and church buses.
- (5) Any person who is a regular or voluntary member of any fire department furnishing fire protection for a political subdivision of the state or any person who is a regular or voluntary member of a rescue squad may equip his vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he has first been given permission, in writing, to do so by the chief of the fire department or rescue squad. He may use such lights and equipment only while proceeding to the scene of a fire or other emergency or to a location

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where another emergency vehicle is on emergency call in the performance of his official duties as a member of a fire department or rescue squad.

- (6) (a) Any constable **meeting the requirements of subsection (2) of Section 1 of this Act** may, upon approval of the fiscal court in the county of jurisdiction, **the legislative council of an urban-county government, or the legislative body of a consolidated local government**, equip vehicles used by said officer as emergency vehicles with one (1) or more flashing, rotating or oscillating blue lights, visible under normal atmospheric condition from a distance of five hundred (500) feet to the front of such vehicle, and a siren, whistle or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any constable authorized by the fiscal court to utilize blue lights and a siren pursuant to this section shall maintain at least the insurance described by KRS 304.39-110.
- (b) 1. Any constable who has successfully completed a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council, and who maintains his or her certification as a peace officer pursuant to KRS 15.380 through his or her term of office as a constable, may equip vehicles used by that officer as emergency vehicles with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any constable authorized to use blue lights and a siren pursuant to this section shall

maintain at least the insurance described by KRS 304.39-110.

2. The fiscal court in the county of jurisdiction, the legislative council of an urban-county government, or the legislative body of a consolidated local government may revoke this authorization, if the fiscal court, the council, or body determines an issue of public safety or abuse by the constable.

(7) Any person who is a paid or voluntary member of any ambulance service furnishing emergency medical services for a political subdivision of the state may equip his vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he has first been given permission, in writing, to do so by the chief or director of the ambulance service. He may use such lights and equipment only while proceeding to the scene of an emergency, a medical facility, or to a location where another emergency vehicle is on emergency call in the performance of his official duties as a member of the ambulance service.

➔Section 22. KRS 230.240 is amended to read as follows:

(1) In addition to the employees referred to in KRS 230.230, the executive director of the racing commission may employ, dismiss, or take other personnel action and determine the reasonable compensation of stewards, supervisors of mutuels, veterinarians, inspectors, accountants, security officers, and other employees deemed by the executive director to be essential at or in connection with any horse race meeting and in the best interest of racing. Three (3) Thoroughbred stewards shall be employed at each Thoroughbred race meeting. Two (2) stewards shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) Thoroughbred steward shall be employed and compensated by the racing association hosting the race meeting. Three (3) standardbred judges shall be employed at each standardbred race meeting. Two (2) standardbred judges shall be employed and

compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) standardbred judge shall be employed and compensated by the racing association hosting the race meeting. The security officers shall be peace officers and conservators of the peace on racing commission property and at all race tracks and grounds in the Commonwealth and shall possess all the common law and statutory powers and privileges now available or hereafter made available to sheriffs, constables granted police powers, and police officers for the purpose of enforcing all laws relating directly or indirectly to the conduct of horse racing and pari-mutuel wagering thereon, or the enforcement of laws relating to the protection of persons or property on premises licensed by the racing commission. The racing commission, for the purpose of maintaining integrity and honesty in racing, shall prescribe by administrative regulation the powers and duties of the persons employed under this section and qualifications necessary to competently perform their duties. In addition, the racing commission shall be responsible for seeing that racing officials employed under the provisions of this section have adequate training to perform their duties in a competent manner.

- (2) The racing commission shall promulgate administrative regulations for effectively preventing the use of improper devices, and restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. The racing commission may acquire, operate, and maintain, or contract for the maintenance and operation of, a testing laboratory and related facilities, for the purpose of saliva, urine, or other tests, and to purchase supplies and equipment for and in connection with the laboratory or testing processes. The expense of the laboratory or other testing processes, whether furnished by contract or otherwise, together with all supplies and equipment used in connection therewith, shall be paid by the various associations licensed under this chapter in the manner and in proportions as the racing

commission shall by administrative regulation provide.

- (3) The compensation of the employees referred to in this section shall be paid by the licensee conducting the horse race meeting in connection with which the employees are utilized or employed. The salary of the executive director to the racing commission shall be prorated among and paid by the various associations licensed under this chapter in the manner as the racing commission shall, by administrative regulation, provide. Except for the Thoroughbred steward and the standardbred judge authorized in subsection (1) of this section, the employees referred to in this section shall be deemed employees of the racing commission, and are paid by the licensee or association for convenience only.
- (4) Each person, as a condition precedent to the privilege of receiving a license under this chapter to conduct a horse race meeting, shall be deemed to have agreed to pay expenses and compensation as provided in this section and as may be actually and reasonably incurred.

➔Section 23. KRS 277.280 is amended to read as follows:

- (1) Each railroad policeman shall, before he enters upon the discharge of the duties of his office, execute bond, with good security, conditioned for the faithful performance of his duty as such policeman, and take and subscribe an oath of office. The bond shall be executed in the county in which the policeman resides, or in which the railroad has its registered process agent, if any, within the state, or in which the policeman performs any duties as a railroad policeman, and the bond shall be approved, and the oath administered, by the county judge/executive. The bond and oath shall be entered of record by the county clerk, and the execution of the bond and the taking of the oath shall be indorsed upon the commission of the person so qualifying. Each policeman so appointed and commissioned shall, throughout the counties through which the railroad operates, have and exercise the powers of sheriffs and constables granted police powers in making arrests for public

offenses committed upon or about railroad property, and in serving process in criminal and penal prosecutions for such offenses, and shall be subject to all the liabilities of sheriffs ~~or constables~~.

(2) The compensation of railroad policemen shall be fixed and paid by the railroad company for which they are appointed.

➔Section 24. KRS 281.765 is amended to read as follows:

Any peace officer, including sheriffs and their deputies, constables and their deputies granted police powers, city police officers, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles and boats or boating, now existing or hereafter enacted, shall be authorized and it is hereby made the duty of each of them to enforce the provisions of this chapter and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles and boating, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense. When in pursuit of any offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than one hundred dollars (\$100), conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six (6) days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen (18) hours after taking such bond.

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➔Section 25. KRS 446.010 is amended to read as follows:

As used in the statute laws of this state, unless the context requires otherwise:

- (1) "Action" includes all proceedings in any court of this state;
- (2) "Animal" includes every warm-blooded living creature except a human being;
- (3) "Attorney" means attorney-at-law;
- (4) "Bequeath" and "devise" mean the same thing;
- (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;
- (6) "Business trust" includes, except when utilized in KRS Chapter 386, a "statutory trust" as organized under KRS Chapter 386A;
- (7) "Case plan" means an individualized accountability and behavior change strategy for supervised individuals that:
 - (a) Targets and prioritizes the specific criminal risk factors of the individual based upon his or her assessment results;
 - (b) Matches the type and intensity of supervision and treatment conditions to the individual's level of risk, criminal risk factors, and individual characteristics, such as gender, culture, motivational stage, developmental stage, and learning style;
 - (c) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations; and
 - (d) Specifies positive and negative actions that will be taken in response to the supervised individual's behaviors;
- (8) "Certified mail" means any method of governmental, commercial, or electronic delivery that allows a document or package to have proof of:
 - (a) Sending the document or package;
 - (b) The date the document or package was delivered or delivery was attempted; and

- (c) The signature of the receipt of the document or package;
- (9) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company, or association;
- (10) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company, or association;
- (11) "Criminal risk factors" are characteristics and behaviors that, when addressed or changed, affect a person's risk for committing crimes. The characteristics may include but are not limited to the following risk and criminogenic need factors: antisocial behavior; antisocial personality; criminal thinking; criminal associates; dysfunctional family; low levels of employment or education; poor use of leisure and recreation; and substance abuse;
- (12) "Cruelty" as applied to animals includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted;
- (13) "Directors," when applied to corporations, includes managers or trustees;
- (14) "Domestic," when applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state;
- (15) "Domestic animal" means any animal converted to domestic habitat;
- (16) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism when implemented competently;
- (17) "Federal" refers to the United States;
- (18) "Foreign," when applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, includes all those incorporated or formed by authority of any other state;
- (19) "Generally accepted accounting principles" are those uniform minimum standards of and guidelines to financial accounting and reporting as adopted by the National Council on

- Governmental Accounting, under the auspices of the Municipal Finance Officers Association and by the Financial Accounting Standards Board, under the auspices of the American Institute of Certified Public Accountants;
- (20) "Graduated sanction" means any of a wide range of accountability measures and programs for supervised individuals, including but not limited to electronic monitoring; drug and alcohol testing or monitoring; day or evening reporting centers; restitution centers; reentry centers; disallowance of future earned compliance credits; rehabilitative interventions such as substance abuse or mental health treatment; reporting requirements to probation and parole officers; community service or work crews; secure or unsecure residential treatment facilities or halfway houses; and short-term or intermittent incarceration;
- (21) "Humane society," "society," or "Society for the Prevention of Cruelty to Animals," means any nonprofit corporation, organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;
- (22) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;
- (23) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;
- (24) "Legatee" and "devisee" convey the same idea;
- (25) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (26) "May" is permissive;
- (27) "Month" means calendar month;
- (28) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;
- (29) "Owner" when applied to any animal, means any person having a property interest in such

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- animal;
- (30) "Partnership" includes both general and limited partnerships;
- (31) "Peace officer" includes sheriffs, constables *granted police powers*, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;
- (32) "Penitentiary" includes all of the state penal institutions except the houses of reform;
- (33) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies;
- (34) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;
- (35) "Pretrial risk assessment" means an objective, research-based, validated assessment tool that measures a defendant's risk of flight and risk of anticipated criminal conduct while on pretrial release pending adjudication;
- (36) "Registered mail" means any governmental, commercial, or electronic method of delivery that allows a document or package to have:
- (a) Its chain of custody recorded in a register to enable its location to be tracked;
 - (b) Insurance available to cover its loss; and
 - (c) The signature of the recipient of the document or package available to the sender;
- (37) "Regular election" means the election in even-numbered years at which members of Congress are elected and the election in odd-numbered years at which state officers are elected;
- (38) "Risk and needs assessment" or "validated risk and needs assessment" means an actuarial tool scientifically proven to determine a person's risk to reoffend and criminal risk factors, that when properly addressed, can reduce that person's likelihood of committing future

- criminal behavior;
- (39) "Shall" is mandatory;
- (40) "State" when applied to a part of the United States, includes territories, outlying possessions, and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;
- (41) "State funds" or "public funds" means sums actually received in cash or negotiable instruments from all sources unless otherwise described by any state agency, state-owned corporation, university, department, cabinet, fiduciary for the benefit of any form of state organization, authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization whether or not the money has ever been paid into the Treasury and whether or not the money is still in the Treasury if the money is controlled by any form of state organization, except for those funds the management of which is to be reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605, and 42.615;
- (42) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or post-release supervision from prison or jail;
- (43) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;
- (44) "Treatment" when used in a criminal justice context, means targeted interventions that focus on criminal risk factors in order to reduce the likelihood of criminal behavior. Treatment options may include but shall not be limited to community-based programs that are consistent with evidence-based practices; cognitive-behavioral programs; faith-based programs; inpatient and outpatient substance abuse or mental health programs; and other available prevention and intervention programs that have been scientifically proven to produce reductions in recidivism when implemented competently. "Treatment" does not

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- include medical services;
- (45) "United States" includes territories, outlying possessions, and the District of Columbia;
- (46) "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;
- (47) "Violate" includes failure to comply with;
- (48) "Will" includes codicils; "last will" means last will and testament;
- (49) "Year" means calendar year;
- (50) "City" includes town;
- (51) Appropriation-related terms are defined as follows:
- (a) "Appropriation" means an authorization by the General Assembly to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in KRS Chapter 48;
 - (b) "Appropriation provision" means a section of any enactment by the General Assembly which is not provided for by KRS Chapter 48 and which authorizes the expenditure of public funds other than by a general appropriation bill;
 - (c) "General appropriation bill" means an enactment by the General Assembly that authorizes the expenditure of public funds in a branch budget bill as provided for in KRS Chapter 48;
- (52) "Mediation" means a nonadversarial process in which a neutral third party encourages and helps disputing parties reach a mutually acceptable agreement. Recommendations by mediators are not binding on the parties unless the parties enter into a settlement agreement incorporating the recommendations;

- (53) "Biennium" means the two (2) year period commencing on July 1 in each even-numbered year and ending on June 30 in the ensuing even-numbered year;
- (54) "Branch budget bill" or "branch budget" means an enactment by the General Assembly which provides appropriations and establishes fiscal policies and conditions for the biennial financial plan for the judicial branch, the legislative branch, and the executive branch, which shall include a separate budget bill for the Transportation Cabinet;
- (55) "AVIS" means the automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator's licenses and personal identification cards;
- (56) "Cooperative," except in KRS Chapter 272, includes a limited cooperative association; and
- (57) "Unmanned aircraft system" means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

➔Section 26. KRS 15.404 is amended to read as follows:

- (1) (a) Any peace officers employed or appointed after December 1, 1998, who have not successfully completed basic training at a school certified or recognized by the Kentucky Law Enforcement Council, shall within one (1) year of their appointment or employment, successfully complete a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council.
- (b) In the event of extenuating circumstances beyond the control of an officer that

prevent the officer from completing basic training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.

- (c) Any peace officer who fails to successfully complete basic training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her precertification status shall lapse. Further, the peace officer shall be prohibited from serving as a peace officer for a period of one (1) year from the date that his or her precertification lapses.
- (2) (a) All peace officers with active certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council, that is appropriate to the officer's rank and responsibility and the size and location of his department.
- (b) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training. If the officer is unable to complete the in-service training due to injury or illness that prevents him or her from working as a peace officer, the one hundred eighty (180) day extension shall begin on the date that the officer returns to work.
- (c) Any peace officer who fails to successfully complete in-service training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her certification status shall be changed to training deficiency status.
- (d) When a peace officer is deficient in required training, the commissioner of the

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department or his or her designee shall notify the council, which shall notify the peace officer and his or her agency.

(e) The requirements of this subsection shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces.

(f) This waiver shall be retroactive for peace officers from the date of September 11, 2001.

(3) An officer who has lost his or her law enforcement powers due solely to his or her failure to meet the in-service training requirements of this section may regain his or her certification status and law enforcement powers upon successful completion of the training deficiency.

(4) (a) Any constable who is elected may apply for admission to a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council. The constable shall meet all precertification requirements established pursuant to KRS 15.382 for attendance. The constable shall bear all costs associated with precertification. The constable shall bear all costs associated with completion of the basic training course, except the costs of basic training at a course established pursuant to KRS 15.340.

(b) The basic training course shall accept the constable for basic training so long as:

1. The constable meets the precertification requirements; and

2. The basic training course has the training capacity to instruct the constable.

➔Section 27. KRS 15.340 is amended to read as follows:

Subject to approval by the secretary, the department may make its facilities and services available upon the following terms:

(1) The department may determine to which law enforcement agencies, corrections agencies, and court agencies and its officers it will offer training;

(2) In determining the law enforcement officers for which it will offer training and in allocating

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available funds, the department shall give first priority to "police officers" as defined by KRS 15.420(2), public airport authority security officers, and campus police;

- (3) Fire investigators shall be offered training by the department;
- (4) Except for the officers described in subsection (2) of this section, the department may determine whether persons to whom it offers training or agencies employing such persons must bear any or all costs of such training.

(5) Notwithstanding subsections (1) to (4) of this section, the department shall accept one (1) qualified constable per training class. The constable accepted shall meet all precertification requirements established pursuant to KRS 15.382 for attendance. The constable shall bear all costs associated with precertification. This subsection shall not be construed to prevent the department from accepting more than one (1) qualified constable per fiscal year, if there are more than one (1) qualified constable applicants and funds are available for their training.

➔Section 28. Sections 1 to 26 of this Act take effect January 1, 2023. Section 27 of this Act takes effect July 1, 2023."; and

Re-number subsequent sections accordingly; and

On page 5, line 15, delete "2" and insert "37" in lieu thereof; and

On page 71, delete lines 13 and 14 in their entirety and insert in lieu thereof the following:

"an emergency is declared to exist, and Sections 29 to 57 of this Act take effect upon their passage and approval by the Governor or upon their otherwise becoming law.".