

1 AN ACT relating to constables and declaring an emergency.

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

3 ➔Section 1. KRS 16.060 is amended to read as follows:

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

20 ➔Section 2. KRS 61.310 is amended to read as follows:

- 21 (1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, constable,
22 or deputy constable granted peace officer powers, patrol or any other peace officer
23 or deputy peace officer except those appointed pursuant to KRS 61.360 or 277.270
24 and those employed by a board of education.
- 25 (2) A peace officer shall not receive any compensation or remuneration, directly or
26 indirectly, from any person for the performance of any service or duty, except that
27 he or she may be compensated for employment authorized by subsection (4) of this

1 section and accept donations in accordance with subsection (8) of this section. Any
2 peace officer who violates this subsection may be removed from office, under the
3 provisions of KRS 63.170.

4 (3) (a) Peace officers shall receive for the performance of their services and duties
5 only such compensation or remuneration as is regularly provided and paid out
6 of the public funds to the amount and in the manner provided by law, except
7 that they may be compensated from private funds for employment authorized
8 by subsection (4) of this section and accept donations of private funds in
9 accordance with subsection (8) of this section.

10 (b) Except as set out in subsection (8) of this section, donations made by persons
11 to any governmental unit or officer thereof do not constitute public funds
12 within the meaning of this subsection.

13 (4) A peace officer may, while in office, and during hours other than regular or
14 scheduled duty hours, act in any private employment as guard or watchman or in
15 any other similar or private employment. However, he may not participate directly
16 or indirectly, in any labor dispute during his off-duty hours. Any peace officer who
17 violates this subsection may be removed from office, under the provisions of KRS
18 63.170.

19 (5) No principal peace officer shall appoint or continue the appointment of any deputy
20 contrary to the provisions of this section. When it appears by the affidavit of two (2)
21 citizens, taxpayers of the county, filed with any principal peace officer, that there is
22 reasonable cause to believe that any of his deputies are receiving compensation
23 from private sources contrary to the provisions of this section, the peace officer
24 shall forthwith investigate the charges contained in the affidavit, and if he finds the
25 charges are true he shall forthwith remove any such deputy from office. Failure to
26 do so shall constitute neglect of duty on the part of the principal peace officer, and
27 he may be removed from office under the provisions of KRS 63.170.

- 1 (6) In addition to being subject to removal from office, any peace officer who violates
2 any of the provisions of this section shall be fined not less than five hundred dollars
3 (\$500) nor more than five thousand dollars (\$5,000), or confined in jail for not more
4 than one (1) year, or both.
- 5 (7) Except as provided in subsection (8) of this section and KRS 61.360 and 277.280,
6 any person who directly or indirectly pays or contributes or causes to be paid or
7 contributed any money or other thing of value to any peace officer or to any
8 governmental unit or officer thereof, either as a gift or donation for the performance
9 of any public duty shall be fined not less than five hundred (\$500) nor more than
10 five thousand dollars (\$5,000).
- 11 (8) (a) A sheriff may accept a donation of money or goods to be used for the public
12 purposes of his or her office if the sheriff establishes a register for recording
13 all donations that includes, at a minimum:
- 14 1. The name and address of the donor;
 - 15 2. A general description of the donation;
 - 16 3. The date of acceptance of the donation;
 - 17 4. The monetary amount of the donation, or its estimated worth; and
 - 18 5. Any purpose for which the donation is given.
- 19 The register shall constitute a public record, be subject to the provisions of
20 KRS 61.870 to 61.884, and be made available to the public for inspection in
21 the sheriff's office during regular business hours.
- 22 (b) Any donation to a sheriff shall only be used to further the public purpose of
23 the office and shall not be used for the private benefit of the sheriff, his or her
24 deputies, or other employees of the office.
- 25 (c) All donations made in accordance with this subsection shall be expended and
26 audited in the same manner as other funds or property of the sheriff's office.
- 27 (d) For the purposes of this section and KRS 521.060, a donation shall not be

1 construed to mean a campaign contribution made to the sheriff for his or her
2 reelection.

3 ➔Section 3. KRS 64.060 is amended to read as follows:

4 (1) Sheriffs, constables~~[granted peace officer powers]~~, coroners, marshals, and
5 policemen shall be paid out of the State Treasury for the following services the
6 following fees:

7 (a) Apprehending a person on charge of felony, or a fugitive
8 from justice charged with a felony in this state\$10.00

9 (b) Executing a process of contempt in a criminal
10 case when the court excuses the contempt\$1.60

11 (c) Executing a summons upon a witness in behalf
12 of the Commonwealth in a felony case\$3.00

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

15 (e) Summoning and attending a jury in a case of felony\$2.50

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

19 ~~[(3) Constables and deputy constables authorized to exercise the powers of a peace
20 officer under KRS 70.325(2) shall be entitled to the fees provided under subsection
21 (1) of this section and shall be subject to the requirements of subsection (2) of this
22 section.]~~

23 ➔Section 4. KRS 70.430 is amended to read as follows:

24 (1) Constables on or before the tenth day of each calendar month shall make a report
25 concerning the performance of the duties of office by himself or herself and his or
26 her deputies, if deputies have been authorized under KRS 70.320, during the next
27 preceding calendar month. The reports shall be made:

- 1 (a) To the county clerk in counties containing an urban-county government or a
2 consolidated local government; or
- 3 (b) To the county fiscal court in all other counties.
- 4 (2) The reports required under subsection (1) of this section shall be in the form and
5 include any information required by the office to which the report is to be submitted
6 under subsection (1) of this section, but shall at a minimum contain:
- 7 (a) A statement showing the total number of each kind of civil processes and
8 orders received, the total number of each returned executed, returned
9 unexecuted, and not returned and not executed;
- 10 (b) A statement showing the amount of any fee or fees collected on each civil
11 service of process;
- 12 (c) *Under the heading of criminal matters, report*~~If the constable is qualified~~
13 ~~and is authorized to execute warrants in criminal matters or otherwise exercise~~
14 ~~the powers of a peace officer under KRS 70.325,]~~ a list of the names and
15 addresses of all persons for whom warrants of arrest have been obtained by
16 the constable and his or her deputies, noting the name of the officer obtaining
17 each warrant, the name of the officer executing each warrant, and indicating
18 the warrants returned executed, returned unexecuted, and not returned and not
19 executed; a list of the names and addresses of all persons for whom warrants
20 of arrest have been obtained by others and delivered to the constable and his
21 or her deputies for execution, noting the name and address of the person
22 obtaining each warrant; the name of the officer executing it, and indicating the
23 warrants returned executed, returned unexecuted, and not returned and not
24 executed; a list of the names and addresses of all persons arrested by the
25 constable and his or her deputies without warrant, noting the name of the
26 officer making the arrest and the cause of the arrest; a list of all the places for
27 which search warrants have been obtained by the constable and his or her

1 deputies, noting the name of the officer obtaining each search warrant, the
2 name of the officer executing it, and indicating the search warrants returned
3 executed, returned and unexecuted, and not returned, and not executed; and

4 (d) Under the heading of other matters, ~~[a complete and detailed]~~ report upon
5 ~~[each and]~~ all other acts of the constable and his or her deputies performed
6 under authority, or under color of authority, of office.

7 (3) Each monthly report shall be subscribed and sworn to by the constable and such
8 parts thereof as pertain to the acts of his or her deputies beyond his or her presence
9 shall be deemed to be sworn to upon information and belief. Upon request, attested
10 copies of the reports shall be promptly delivered to the county judge/executive, the
11 mayor of an urban-county government or consolidated local government, the
12 county attorney, or the attorney for the Commonwealth.

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

22 ~~2. In counties of seventy thousand (70,000) or less, the reports required to~~
23 ~~be submitted to fiscal courts under subsection (1)(b) of this section shall~~
24 ~~be sufficient.~~

25 ~~(b) If an urban-county government or a consolidated local government elects by~~
26 ~~ordinance, the county clerk receiving reports under subsection (1)(a) of this~~
27 ~~section shall be entitled to collect the administrative fee provided in paragraph~~

1 ~~(a) of this subsection. If authorized, any fees collected by a county clerk under~~
2 ~~this subsection may be shared evenly between the county clerk and the county~~
3 ~~government, as provided in the ordinance.]~~

4 ➔Section 5. KRS 148.056 is amended to read as follows:

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

16 (2) The designation of any such employee as a peace officer shall be governed by the
17 provisions of KRS 61.300 except that he shall not be required to have resided in the
18 county wherein he is to serve for a period of at least two (2) years, and he shall be
19 required to file his photograph and affidavit only with the Franklin county clerk.

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

22 ➔Section 6. KRS 150.100 is amended to read as follows:

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

1 ➔Section 7. KRS 277.280 is amended to read as follows:

2 (1) Each railroad policeman shall, before he or she enters upon the discharge of the
3 duties of his or her office, execute bond, with good security, conditioned for the
4 faithful performance of his or her duty as such policeman, and take and subscribe
5 an oath of office. The bond shall be executed in the county in which the policeman
6 resides, or in which the railroad has its registered process agent, if any, within the
7 state, or in which the policeman performs any duties as a railroad policeman, and
8 the bond shall be approved, and the oath administered, by the county
9 judge/executive. The bond and oath shall be entered of record by the county clerk,
10 and the execution of the bond and the taking of the oath shall be indorsed upon the
11 commission of the person so qualifying. Each policeman so appointed and
12 commissioned shall, throughout the counties through which the railroad operates,
13 have and exercise the powers of sheriffs and constables~~[granted police powers]~~ in
14 making arrests for public offenses committed upon or about railroad property, and
15 in serving process in criminal and penal prosecutions for such offenses, and shall be
16 subject to all the liabilities of sheriffs *or constables*.

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

19 ➔Section 8. KRS 164.955 is amended to read as follows:

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

1 and empowered, and it shall be their duty:

2 (a) To preserve the peace, maintain order and prevent unlawful use of force or
3 violence or other unlawful conduct on the campuses of their respective
4 institutions, and to protect all persons and property located thereon from
5 injury, harm and damage; and

6 (b) To enforce, and to assist the officials of their respective institutions in the
7 enforcement of, the lawful rules and regulations of said institution, and to
8 assist and cooperate with other law enforcement agencies and officers.
9 Provided, however, that such police officers shall exercise the powers herein
10 granted upon any real property owned or occupied by their respective
11 institutions, including the streets passing through and adjacent thereto. Said
12 powers may be exercised in any county of the Commonwealth where the
13 institution owns, uses, or occupies property. Additional jurisdiction may be
14 established by agreement with the chief of police of the municipality or sheriff
15 of the county or the appropriate law enforcement agency in which such
16 property is located, dependent upon the jurisdiction involved.

17 (2) Police officers may exercise their powers away from the locations described in
18 subsection (1) of this section only upon the following conditions:

19 (a) When in immediate pursuit of an actual or suspected violator of the law;

20 (b) When authorized to do so pursuant to the agreement authorized by subsection
21 (1) of this section;

22 (c) When requested to act by the chief of police of the city or county in which the
23 institution's property is located;

24 (d) When requested to act by the sheriff of the county in which the institution's
25 property is located;

26 (e) When requested to act by the commissioner of the Department of Kentucky
27 State Police;

- 1 (f) When requested to act by the authorized delegates of those persons or
2 agencies listed in paragraph (c), (d), or (e) of this subsection;
- 3 (g) When requested to assist a state, county or municipal police officer, sheriff, or
4 other peace officer in the performance of his lawful duties; or
- 5 (h) When operating under an interlocal cooperation agreement pursuant to KRS
6 Chapter 65.
- 7 (3) Police officers appointed pursuant to KRS 164.950 to 164.980 shall have, in
8 addition to the other powers enumerated herein, the power to conduct investigations
9 anywhere in this Commonwealth, provided the investigation relates to criminal
10 offenses which occurred on property owned, leased, or controlled by the public
11 postsecondary education institution. Where desirable and at the discretion of the
12 public postsecondary education institution's police officials, the institution's police
13 department may coordinate said investigations with any law enforcement agency of
14 this Commonwealth or with agencies of the federal government.
- 15 (4) Police departments created and operated by the governing boards of public
16 postsecondary education institutions shall, for all purposes, be deemed public police
17 departments and the sworn police officers thereof are, for all purposes, deemed
18 public police officers.
- 19 (5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or
20 modification of the authority or responsibility of any city or county police
21 department, the Department of Kentucky State Police, sheriff, constable~~[granted~~
22 ~~police powers]~~, or other peace officer either on the property of an institution of
23 postsecondary education or otherwise. Nor shall anything in KRS 164.950 to
24 164.980 be construed as a diminution or modification of the authority or
25 responsibility of any constable.
- 26 ➔Section 9. KRS 183.881 is amended to read as follows:
- 27 (1) Safety and security officers so appointed shall be peace officers and conservators of

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

8 (a) To preserve the peace, maintain order and prevent unlawful use of force or
9 violence or other unlawful conduct on the airport facility of their respective
10 airport board, and to protect all persons and property located thereon from
11 injury, harm and damage;

12 (b) To enforce, and to assist officials of their respective airport boards in the
13 enforcement of the lawful rules and regulations of said airport board, and to
14 assist and cooperate with the law enforcement agencies and officers.

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

23 (2) Safety and security officers may exercise their powers away from the locations
24 described in subsection (1) of this section only upon the following conditions:

25 (a) When in hot pursuit of an actual or suspected violator of the law;

26 (b) When authorized to do so pursuant to the agreement authorized by subsection
27 (1) of this section;

- 1 (c) When requested to act by the chief of police of the city or county in which the
2 airport board's property is located;
- 3 (d) When requested to act by the sheriff of the county in which the airport board's
4 property is located;
- 5 (e) When requested to act by the commissioner of the Department of Kentucky
6 State Police;
- 7 (f) When requested to act by the authorized delegates of those persons or
8 agencies listed in paragraph (c), (d) or (e) of this subsection;
- 9 (g) When requested to assist a state, county, or municipal police officer, sheriff,
10 or other peace officer in the performance of his or her lawful duties; or
- 11 (h) When operating under an interlocal cooperation agreement pursuant to KRS
12 Chapter 65.
- 13 (3) Safety and security officers appointed pursuant to KRS 183.110 and 183.880 to
14 183.886 shall have, in addition to the other powers enumerated herein, the power to
15 conduct investigations anywhere in this Commonwealth, provided such
16 investigation relates to criminal offenses which occurred on property owned, leased,
17 or controlled by the airport board. Where desirable and at the discretion of the
18 airport board's police officials, the airport board's safety and security department
19 may coordinate said investigations with any law enforcement agency of this
20 Commonwealth or with agencies of the federal government.
- 21 (4) Safety and security departments created and operated by the airport boards shall, for
22 all purposes, be deemed public police departments and the sworn safety and
23 security officers thereof are, for all purposes, deemed public police officers.
- 24 (5) Nothing in KRS 183.110 and 183.880 to 183.886 shall be construed as a diminution
25 or modification of the authority or responsibility of any city or county police
26 department, the Department of Kentucky State Police, sheriff, constable ~~granted~~
27 ~~police powers~~, or other peace officer either on the property of an airport board or

1 otherwise. Nor shall anything in KRS 183.110 and 183.880 to 183.886 be construed
2 as a diminution or modification of the authority or responsibility of any constable.

3 ➔Section 10. KRS 230.240 is amended to read as follows:

- 4 (1) In addition to the employees referred to in KRS 230.230, the executive director of
5 the racing commission may employ, dismiss, or take other personnel action and
6 determine the reasonable compensation of stewards, supervisors of mutuels,
7 veterinarians, inspectors, accountants, security officers, and other employees
8 deemed by the executive director to be essential at or in connection with any horse
9 race meeting and in the best interest of racing. Three (3) Thoroughbred stewards
10 shall be employed at each Thoroughbred race meeting. Two (2) stewards shall be
11 employed and compensated by the Commonwealth, subject to reimbursement by
12 the racing associations pursuant to subsection (3) of this section. One (1)
13 Thoroughbred steward shall be employed and compensated by the racing
14 association hosting the race meeting. Three (3) standardbred judges shall be
15 employed at each standardbred race meeting. Two (2) standardbred judges shall be
16 employed and compensated by the Commonwealth, subject to reimbursement by
17 the racing associations pursuant to subsection (3) of this section. One (1)
18 standardbred judge shall be employed and compensated by the racing association
19 hosting the race meeting. The security officers shall be peace officers and
20 conservators of the peace on racing commission property and at all race tracks and
21 grounds in the Commonwealth and shall possess all the common law and statutory
22 powers and privileges now available or hereafter made available to sheriffs,
23 constables~~[granted police powers]~~, and police officers for the purpose of enforcing
24 all laws relating directly or indirectly to the conduct of horse racing and pari-mutuel
25 wagering thereon, or the enforcement of laws relating to the protection of persons
26 or property on premises licensed by the racing commission. The racing
27 commission, for the purpose of maintaining integrity and honesty in racing, shall

1 prescribe by administrative regulation the powers and duties of the persons
2 employed under this section and qualifications necessary to competently perform
3 their duties. In addition, the racing commission shall be responsible for seeing that
4 racing officials employed under the provisions of this section have adequate
5 training to perform their duties in a competent manner.

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

18 (3) The expenses of the commission and the compensation of all employees referred to
19 in this section shall be paid by the licensee conducting a horse race meeting or pari-
20 mutuel wagering on live or historic horse racing. The salary of the executive
21 director to the racing commission shall be prorated among and paid by the various
22 associations licensed under this chapter in the manner as the racing commission
23 shall, by administrative regulation, provide. Except for the Thoroughbred steward
24 and the standardbred judge authorized in subsection (1) of this section, the
25 employees referred to in this section shall be deemed employees of the racing
26 commission, and are paid by the licensee or association.

27 (4) Each person, as a condition precedent to the privilege of receiving a license under

1 this chapter to conduct a horse race meeting, shall be deemed to have agreed to pay
2 expenses and compensation as provided in this section and as may be actually and
3 reasonably incurred.

4 ➔Section 11. KRS 281.765 is amended to read as follows:

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

27 ➔Section 12. KRS 446.010 is amended to read as follows:

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

2 (1) "Action" includes all proceedings in any court of this state;

3 (2) "Animal" includes every warm-blooded living creature except a human being;

4 (3) "Attorney" means attorney-at-law;

5 (4) "Bequeath" and "devise" mean the same thing;

6 (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal
7 estate, or both;

8 (6) "Business trust" includes, except when utilized in KRS Chapter 386, a "statutory
9 trust" as organized under KRS Chapter 386A;

10 (7) "Case plan" means an individualized accountability and behavior change strategy
11 for supervised individuals that:

12 (a) Targets and prioritizes the specific criminal risk factors of the individual
13 based upon his or her assessment results;

14 (b) Matches the type and intensity of supervision and treatment conditions to the
15 individual's level of risk, criminal risk factors, and individual characteristics,
16 such as gender, culture, motivational stage, developmental stage, and learning
17 style;

18 (c) Establishes a timetable for achieving specific behavioral goals, including a
19 schedule for payment of victim restitution, child support, and other financial
20 obligations; and

21 (d) Specifies positive and negative actions that will be taken in response to the
22 supervised individual's behaviors;

23 (8) "Certified mail" means any method of governmental, commercial, or electronic
24 delivery that allows a document or package to have proof of:

25 (a) Sending the document or package;

26 (b) The date the document or package was delivered or delivery was attempted;
27 and

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

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

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

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

- 1 Columbia;
- 2 (46) "Vacancy in office," or any equivalent phrase, means such as exists when there is
3 an unexpired part of a term of office without a lawful incumbent therein, or when
4 the person elected or appointed to an office fails to qualify according to law, or
5 when there has been no election to fill the office at the time appointed by law; it
6 applies whether the vacancy is occasioned by death, resignation, removal from the
7 state, county or district, or otherwise;
- 8 (47) "Violate" includes failure to comply with;
- 9 (48) "Will" includes codicils; "last will" means last will and testament;
- 10 (49) "Year" means calendar year;
- 11 (50) "City" includes town;
- 12 (51) Appropriation-related terms are defined as follows:
- 13 (a) "Appropriation" means an authorization by the General Assembly to expend,
14 from public funds, a sum of money not in excess of the sum specified, for the
15 purposes specified in the authorization and under the procedure prescribed in
16 KRS Chapter 48;
- 17 (b) "Appropriation provision" means a section of any enactment by the General
18 Assembly which is not provided for by KRS Chapter 48 and which authorizes
19 the expenditure of public funds other than by a general appropriation bill;
- 20 (c) "General appropriation bill" means an enactment by the General Assembly
21 that authorizes the expenditure of public funds in a branch budget bill as
22 provided for in KRS Chapter 48;
- 23 (52) "Mediation" means a nonadversarial process in which a neutral third party
24 encourages and helps disputing parties reach a mutually acceptable agreement.
25 Recommendations by mediators are not binding on the parties unless the parties
26 enter into a settlement agreement incorporating the recommendations;
- 27 (53) "Biennium" means the two (2) year period commencing on July 1 in each even-

1 numbered year and ending on June 30 in the ensuing even-numbered year;

2 (54) "Branch budget bill" or "branch budget" means an enactment by the General
3 Assembly which provides appropriations and establishes fiscal policies and
4 conditions for the biennial financial plan for the judicial branch, the legislative
5 branch, and the executive branch, which shall include a separate budget bill for the
6 Transportation Cabinet;

7 (55) "AVIS" means the automated vehicle information system established and
8 maintained by the Transportation Cabinet to collect titling and registration
9 information on vehicles and boats and information on holders of motor vehicle
10 operator's licenses and personal identification cards;

11 (56) "Cooperative," except in KRS Chapter 272, includes a limited cooperative
12 association; and

13 (57) "Unmanned aircraft system" means an aircraft that is operated without the
14 possibility of direct human interaction from within or on the aircraft and includes
15 everything that is on board or otherwise attached to the aircraft and all associated
16 elements, including communication links and the components that control the small
17 unmanned aircraft that are required for the safe and efficient operation of the
18 unmanned aircraft in the national airspace system.

19 ➔Section 13. KRS 189.950 is amended to read as follows:

20 (1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as
21 emergency vehicles, shall be equipped with, nor shall any person use upon a
22 vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm
23 signal device which shall be so arranged that it cannot be used as an ordinary
24 warning signal.

25 (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as
26 emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle
27 any red or blue flashing, revolving, or oscillating light or place a red light on the

1 front thereof. This subsection shall not apply to the use of red flashing lights on
2 school buses or to stop lights or turn signals at the rear of any motor vehicle.

3 (3) Except as otherwise provided for in this section, a person shall not illuminate a blue
4 light that is affixed to a motor vehicle while operating the motor vehicle on a
5 highway. This subsection shall not apply to:

- 6 (a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or
7 (b) Nonhalogen headlamps that have a slight blue tint and meet United States
8 Department of Transportation regulations.

9 (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public
10 safety vehicles, shall be equipped with, nor shall any person use upon any vehicle
11 any yellow flashing, revolving, or oscillating light. This subsection shall not apply
12 to the use of yellow lights for turn signals; or to emergency flasher lights for use
13 when warning the operators of other vehicles of the presence of a vehicular traffic
14 requiring the exercise of unusual care in approaching, overtaking, or passing; or to
15 vehicles operated by mail carriers while on duty; funeral escort vehicles and church
16 buses.

17 (5) Any person who is a regular or voluntary member of any fire department furnishing
18 fire protection for a political subdivision of the state or any person who is a regular
19 or voluntary member of a rescue squad may equip his or her vehicle with red
20 flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he or
21 she has first been given permission, in writing, to do so by the chief of the fire
22 department or rescue squad. He or she may use such lights and equipment only
23 while proceeding to the scene of a fire or other emergency or to a location where
24 another emergency vehicle is on emergency call in the performance of his or her
25 official duties as a member of a fire department or rescue squad.

26 (6) (a) Any constable~~[meeting the requirements of KRS 70.325(2) may]~~, upon
27 approval of the fiscal court in the county of jurisdiction, the legislative council

1 of an urban-county government, or the legislative body of a consolidated local
2 government, equip vehicles used by said officer as emergency vehicles with
3 one (1) or more flashing, rotating or oscillating blue lights, visible under
4 normal atmospheric condition from a distance of five hundred (500) feet to
5 the front of such vehicle, and a siren, whistle or bell, capable of emitting a
6 sound audible under normal conditions from a distance of not less than five
7 hundred (500) feet. This equipment shall be in addition to any other
8 equipment required by the motor vehicle laws. Any constable authorized by
9 the fiscal court to utilize blue lights and a siren pursuant to this section shall
10 maintain at least the insurance described by KRS 304.39-110.

11 (b) 1. Any constable who has successfully completed a basic training course,
12 as established by KRS 15.440, at a school certified or recognized by the
13 Kentucky Law Enforcement Council, and who maintains his or her
14 certification as a peace officer pursuant to KRS 15.380 through his or
15 her term of office as a constable, may equip vehicles used by that officer
16 as emergency vehicles with one (1) or more flashing, rotating, or
17 oscillating blue lights, visible under normal atmospheric conditions from
18 a distance of five hundred (500) feet to the front of the vehicle, and a
19 siren, whistle, or bell, capable of emitting a sound audible under normal
20 conditions from a distance of not less than five hundred (500) feet. This
21 equipment shall be in addition to any other equipment required by the
22 motor vehicle laws. Any constable authorized to use blue lights and a
23 siren pursuant to this section shall maintain at least the insurance
24 described by KRS 304.39-110.

25 2. The fiscal court in the county of jurisdiction, the legislative council of
26 an urban-county government, or the legislative body of a consolidated
27 local government may revoke this authorization, if the fiscal court, the

1 council, or the body determines an issue of public safety or abuse by the
2 constable.

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

11 ➔Section 14. The following KRS section is repealed:

12 70.325 Powers and duties of constable.

13 ➔Section 15. Whereas there is a pressing need for additional peace officer
14 protection in many parts of the Commonwealth, an emergency is declared to exist, and
15 this Act takes effect upon its passage and approval by the Governor or upon its otherwise
16 becoming a law.