

1 AN ACT relating to sheriffs.

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

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

5 *(1) As used in this section:*

6 *(a) "Sheriff" means a duly elected or appointed sheriff in the Commonwealth*
7 *of Kentucky;*

8 *(b) "Deputy sheriff" means a deputy sheriff appointed pursuant to:*

9 *1. KRS 70.030;*

10 *2. KRS 70.045; or*

11 *3. KRS 70.263(3);*

12 *who is in precertification status or certification status, as defined in KRS*
13 *15.386, under the provisions of KRS 15.380 to 15.404; and*

14 *(c) "County of origin" means the county in which a sheriff or deputy sheriff*
15 *was elected or appointed.*

16 *(2) Sheriffs and deputy sheriffs shall have all law enforcement powers, privileges,*
17 *and immunities they possess in their county of origin when acting within the*
18 *scope of their duties in a county in this state other than their county of origin.*

19 *These powers and privileges shall include but not be limited to:*

20 *(a) Making arrests;*

21 *(b) Conducting investigations and searches, including undercover law*
22 *enforcement activities;*

23 *(c) Seizing property;*

24 *(d) Carrying firearms;*

25 *(e) Executing search and arrest warrants;*

26 *(f) Delivering subpoenas and summonses; and*

27 *(g) Performing any other authorized law enforcement activities as directed by*

1 the sheriff of the county other than their county of origin.

2 (3) (a) Sheriffs and deputy sheriffs may, when in the normal course of their duties
3 it becomes necessary, enter a county other than their county of origin to
4 exercise the powers and privileges set out in subsection (2) of this section;
5 and

6 (b) Any sheriff or deputy sheriff entering or preparing to enter a county to
7 perform law enforcement activities under this subsection shall, as soon as
8 practicable, notify the sheriff of the county or any other interested law
9 enforcement agency with jurisdiction in that county that he or she intends
10 to enter or has entered the county and intends to engage in, is engaging in,
11 or has engaged in law enforcement activities.

12 (4) A sheriff or deputy sheriff who is in a county in the state other than his or her
13 county of origin and who personally observes an incident requiring a law
14 enforcement response may exercise all the powers and privileges set out in
15 subsection (2) of this section. A sheriff or deputy sheriff shall, as soon as
16 practicable, notify the sheriff of the county or any other interested law
17 enforcement agency with jurisdiction in that county that he or she intends to
18 enter or has entered the county and intends to engage in, is engaging in, or has
19 engaged in law enforcement activities under this subsection.

20 (5) The notification required by subsections (3) and (4) of this section shall be
21 provided using:

22 (a) Written communication;

23 (b) Telephonic communication, including either landline or cellular
24 communication;

25 (c) Radio communication using the dispatch services of the sheriff's or deputy
26 sheriff's county of origin; or

27 (d) In person communication.

1 Radio communications shall only be used in emergency conditions where other
2 forms of communication are impracticable or may increase the chances of injury
3 or death to persons or damage to property in proximity of the law enforcement
4 activities.

5 (6) If a sheriff or deputy sheriff fails to follow the notification requirements set out in
6 subsections (3)(b), (4), and (5) of this section, that failure shall not negate,
7 hinder, or otherwise affect the authority granted to the sheriff or deputy sheriff by
8 this section. However, if a sheriff or deputy sheriff fails to follow these
9 notification protocols and this failure is in contravention of his or her office's
10 protocols or other applicable protocols, the sheriff or deputy sheriff may be
11 subject to disciplinary action under those protocols.

12 (7) The sheriff, county attorney, or Commonwealth's attorney of the county where
13 the law enforcement activity occurred shall determine custody of persons
14 arrested, evidence, and any seized property in consultation with the sheriff or
15 deputy sheriff and county attorney or Commonwealth's attorney of the county of
16 origin of the sheriff or deputy sheriff performing law enforcement activities
17 under this section.

18 (8) (a) A sheriff or deputy sheriff performing law enforcement activities in a
19 county other than their county of origin shall remain under the rank
20 structure and operating policies of his or her agency and shall extend
21 professional courtesy to law enforcement personnel in the county in which
22 he or she is performing law enforcement activities.

23 (b) If a sheriff or deputy is performing law enforcement activities in a county
24 other than his or her county of origin in a coordinated response with law
25 enforcement personnel of the county wherein the incident is occurring, a
26 law enforcement supervisor of the county wherein the incident is occurring
27 shall be in command.

1 **(9) Where in conflict with the provisions of this section, the provisions of a**
2 **memorandum of agreement, mutual aid compact, or interlocal agreement under**
3 **KRS 65.210 to 65.300 in effect prior to the effective date of this Act shall prevail.**
4 **Any memorandum of agreement, mutual aid compact, or interlocal agreement**
5 **under KRS 65.210 to 65.300 ratified on or after the effective date of this Act shall**
6 **comply with the provisions of this section.**

7 ➔Section 2. KRS 431.007 is amended to read as follows:

8 (1) A peace officer certified pursuant to KRS 15.380 to 15.404, who is directly
9 employed as a police officer by a Kentucky city, county, or urban-county
10 government and whose department meets the requirements of KRS 15.440 and a
11 sheriff, or deputy sheriff who has been certified pursuant to KRS 15.380 to 15.404,
12 who is officially requested by a law enforcement agency in another county in
13 Kentucky to assist in any matter within the jurisdiction of the requesting agency
14 shall possess, while responding to and for the duration of the matter for which the
15 request was made, the same powers of arrest in the requesting county as he **or she**
16 possesses in the county in which he **or she** is a police officer.

17 (2) The provisions of this section shall not:

18 (a) Authorize assistance in any labor dispute or strike;

19 (b) Authorize assistance by a constable or deputy constable;

20 (c) Authorize assistance by a special local peace officer; or

21 (d) **Except as set out in Section 1 of this Act,** authorize assistance by a special
22 deputy sheriff.