

1 AN ACT relating to hospital police departments.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Except as provided in subsection (3) of this section, a hospital licensed under this*
6 *chapter is authorized to:*

7 *(a) Establish a police department and appoint hospital police officers and other*
8 *employees for the hospital;*

9 *(b) Prescribe distinctive uniforms for the police officers of the hospital; and*

10 *(c) Designate and operate emergency vehicles.*

11 *(2) Police officers appointed by a hospital under Sections 1 to 7 of this Act shall take*
12 *an appropriate oath of office, in form or manner consistent with the Constitution*
13 *of Kentucky, and shall serve at the pleasure of the hospital.*

14 *(3) Sections 1 to 7 of this Act shall not apply to any hospital licensed under this*
15 *chapter that is owned or operated by a public postsecondary educational*
16 *institution or its affiliated corporations, the Commonwealth, any city, county,*
17 *charter county government, urban-county government, consolidated local*
18 *government, unified local government, or any political subdivision thereof.*

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
20 READ AS FOLLOWS:

21 *(1) (a) Police officers appointed by a hospital under Sections 1 to 7 of this Act shall*
22 *be peace officers and conservators of the peace. They shall have general*
23 *police powers including the power to arrest, without process, all persons*
24 *who within their view commit any crime or misdemeanor. They shall*
25 *possess all of the common law and statutory powers, privileges, and*
26 *immunities of sheriffs, except that they shall be empowered to serve civil*
27 *process to the extent authorized by the hospital authorizing and employing*

1 them.

2 (b) Without limiting the generality of the powers, privileges, and immunities
3 granted under paragraph (a) of this subsection, hospital police officers are
4 authorized and empowered, and it shall be their duty to:

5 1. Preserve the peace, maintain order, and prevent unlawful use of force
6 or violence or other unlawful conduct on all property owned by or
7 being used by the hospital, and to protect all persons and property
8 located thereon from injury, harm, and damage;

9 2. Enforce and assist officials of the hospital in the enforcement of the
10 lawful rules and regulations of the hospital; and

11 3. Assist and cooperate with law enforcement agencies and officers.

12 (c) Hospital police officers shall exercise the powers granted in this section:

13 1. Upon any real property owned or occupied by the hospital, including
14 the streets passing through and adjacent to that real property;

15 2. In any county of the Commonwealth where the hospital owns, uses, or
16 occupies property; and

17 3. In any additional jurisdiction as established by agreement with the
18 chief of police of the local government, sheriff of the county, or the
19 appropriate law enforcement agency where the property is located,
20 dependent upon the jurisdiction involved.

21 (2) Hospital police officers appointed pursuant to Sections 1 to 7 of this Act shall
22 have, in addition to the other powers enumerated in this section, the power to
23 conduct investigations anywhere in this Commonwealth if the investigation
24 relates to criminal offenses which occurred on property owned, leased, or
25 controlled by the hospital. Where desirable and at the discretion of the hospital's
26 police officials, the hospital's police department may coordinate said
27 investigations with any law enforcement agency of this Commonwealth or with

1 agencies of the federal government.

2 (3) Sections 1 to 7 of this Act shall not be construed as a diminution or modification
3 of the authority or responsibility of any city or county police department, the
4 Department of Kentucky State Police, sheriff, constable granted police powers, or
5 other peace officer either on the property of a hospital or otherwise.

6 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
7 READ AS FOLLOWS:

8 (1) All persons appointed as hospital police officers pursuant to Sections 1 to 7 of
9 this Act shall, at the time of their employment:

10 (a) Be certified in accordance with KRS 15.380 to 15.404; and

11 (b) Possess whatever other requirements as may be set by the hospital that
12 employs them.

13 (2) The hospital may provide for the appointment or promotion to the ranks and
14 grades and positions of the hospital police officers and civilians as are considered
15 by the hospital to be necessary for the efficient administration of the hospital
16 police department. The hospital police officers and civilians shall receive
17 compensation as shall be fixed and paid by the hospital.

18 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
19 READ AS FOLLOWS:

20 (1) Vehicles used for emergency purposes by the police department of a hospital shall
21 be considered emergency vehicles, equipped with blue lights and sirens, and
22 operated in conformance with the requirements of KRS Chapter 189.

23 (2) Police officers directly employed by a hospital pursuant to Sections 1 to 7 of this
24 Act shall have the rights accorded to peace officers provided under KRS 527.020.

25 (3) Police departments established by hospitals may install, maintain, and operate
26 radio systems on police or other radio frequencies under licenses issued by the
27 Federal Communications Commission, or its successor, KRS 432.570 to the

1 contrary notwithstanding.

2 (4) Police departments of hospitals shall comply with the requirements of the
3 Kentucky Revised Statutes and the Justice and Public Safety Cabinet with regard
4 to reporting of criminal and other statistics.

5 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
6 READ AS FOLLOWS:

7 (1) (a) Each hospital, having the power and authority to govern and control the
8 method and purpose of use of property owned or occupied by the hospital,
9 including travel over that property, is hereby confirmed in its authority to
10 regulate the traffic and parking of motor vehicles, bicycles, or other vehicles
11 as well as the traffic of pedestrians on, over, and across the streets, roads,
12 paths, and grounds of real property owned, used, or occupied by the
13 hospital. The regulations applicable to traffic and parking may include but
14 are not limited to:

15 1. Provisions governing the registration, speed, operation, parking, and
16 times, places, and manner of use of motor vehicles, bicycles, and other
17 vehicles;

18 2. Provisions prescribing penalties for the violation of those regulations,
19 which penalties may include the imposition of reasonable charges, the
20 removing and impounding, at the expense of the violator, of vehicles
21 that are operated or parked in violation of the regulations, and the
22 denial of permission to operate vehicles on the property of the
23 hospital; and

24 3. Provisions establishing reasonable charges and fees for the
25 registration of vehicles and for the use of parking spaces or facilities
26 owned or occupied by the hospital.

27 (b) This section shall not be deemed to limit or restrict the powers of any

1 governmental authority having jurisdiction over public streets, roads, alleys,
2 or ways.

3 (2) Motor vehicle moving violations of regulations issued under this section shall be
4 deemed violations of the appropriate equivalent sections of the motor vehicle laws
5 of the Commonwealth and may be prosecuted in the courts having territorial
6 jurisdiction over the physical location of the offense.

7 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
8 READ AS FOLLOWS:

9 A person shall not falsely represent himself or herself to be a hospital police officer,
10 agent, or employee of a police department of a hospital and in that assumed character
11 arrest or detain, search, or question, in any manner the person or property of any
12 person, and shall not without the authority of the hospital, wear the official uniform,
13 insignia, badge, or identification of the hospital police department.

14 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
15 READ AS FOLLOWS:

16 (1) Any complaint taken from a citizen alleging misconduct on the part of any
17 hospital police officer appointed pursuant to Sections 1 to 7 of this Act shall be
18 taken as follows:

19 (a) If the complaint alleges criminal activity by a hospital police officer, the
20 allegations may be investigated without a signed, sworn complaint of the
21 citizen;

22 (b) If the complaint alleges any other type of violation not constituting criminal
23 activity, including violations of law enforcement procedures or the general
24 employment policies of the hospital, an affidavit, signed and sworn to by the
25 citizen, shall be obtained, except as provided in paragraph (c) of this
26 subsection; or

27 (c) If a complaint is required to be obtained and the citizen, upon request,

1 refuses to make allegations under oath in the form of an affidavit, signed
2 and sworn to, the hospital may investigate the allegations but shall bring
3 charges under subsection (4) of this section against the hospital police
4 officer only if the hospital can independently substantiate the allegations
5 absent the sworn statement of the citizen.

6 (2) (a) When a hospital police officer is accused of an act or omission that would
7 constitute a violation of law enforcement procedures by any individual
8 within the hospital police department, including supervisors, the hospital
9 shall conform the conduct of any investigation to the provisions of
10 subsection (3) of this section, shall formally charge the hospital police
11 officer in accordance with subsection (4) of this section, and shall conduct a
12 hearing in accordance with subsection (5) of this section before any
13 disciplinary action shall be taken against the hospital police officer.

14 (b) This subsection shall not prevent the hospital from suspending the hospital
15 police officer, with or without pay, during an investigation and pending the
16 final disposition of any formal charges, except that a hospital police officer
17 suspended without pay shall be entitled to full back pay and benefits for the
18 regular hours he or she would have worked if no formal charges are
19 brought or the hearing authority finds the officer not guilty of the charges.

20 (c) A hospital shall not be required to follow the provisions of this section in
21 addressing conduct by the hospital police officer that would constitute a
22 violation of the general employment policies of the hospital.

23 (3) Any complaint filed by a citizen under subsection (1) of this section, or any
24 allegation of conduct that would constitute a violation of law enforcement
25 procedures under subsection (2) of this section, shall be investigated by the
26 hospital in accordance with this section if the hospital determines that an
27 investigation of the complaint or the alleged conduct is warranted.

- 1 (4) (a) If it is determined through investigation or other means that the facts
2 alleged in a citizen complaint or in an accusation of a violation of law
3 enforcement procedures warrant charging the hospital police officer, the
4 charge shall be made in writing with sufficient specificity so as to fully
5 inform the hospital police officer of the nature and circumstances of the
6 alleged violation in order that he or she may be able to properly defend
7 himself or herself.
- 8 (b) The charge shall be signed by a representative of the hospital, shall set out
9 the disciplinary action recommended or imposed, and shall be served on the
10 officer in writing by certified mail, return receipt requested, or by personal
11 delivery.
- 12 (5) Unless waived by the charged hospital police officer in writing, a hearing shall be
13 conducted by the hospital to determine whether there is substantial evidence to
14 prove the charges and to determine what, if any, disciplinary action shall be taken
15 if substantial evidence does exist. In conducting a hearing, the following
16 administrative due process rights shall be recognized and these shall be the
17 minimum rights afforded any hospital police officer charged, except as otherwise
18 agreed to in writing by the officer and the hospital:
- 19 (a) The accused hospital police officer shall be given at least twelve (12) days'
20 written notice of any hearing. The notice of hearing shall be served on the
21 hospital police officer by certified mail, return receipt requested, or by
22 personal delivery;
- 23 (b) Copies of any sworn statements or affidavits to be considered by the hearing
24 authority and any exculpatory statements or affidavits shall be furnished to
25 the hospital police officer no less than twelve (12) days prior to the time of
26 any hearing;
- 27 (c) At any hearing based upon the sworn complaint of a citizen, the citizen

1 shall be notified to appear at the time and place of the hearing by certified
2 mail, return receipt requested, or by personal delivery;

3 (d) If the return receipt has been returned unsigned, or the citizen does not
4 appear, except due to circumstances beyond his or her control preventing
5 the citizen from appearing at the time and place of the hearing, any charge
6 resulting from a complaint made by that citizen shall not be considered by
7 the hearing authority and shall be dismissed with prejudice;

8 (e) The accused hospital police officer shall have the right and opportunity to
9 obtain and have counsel present, and to be represented by counsel;

10 (f) The accused hospital police officer shall be allowed to present witnesses and
11 any documentary or other relevant evidence the officer wishes to provide to
12 the hearing authority, and may cross-examine all witnesses called by the
13 charging party;

14 (g) If any hospital police officer who has been suspended with or without pay is
15 not given a hearing as provided by this section within seventy-five (75) days
16 of any charge being filed pursuant to this section, the charge shall be
17 dismissed with prejudice and shall not be considered by any hearing
18 authority and the hospital police officer shall be reinstated with full back
19 pay and benefits;

20 (h) Any hospital police officer who has been suspended without pay who is
21 found not guilty of the charges by the hearing authority shall be reinstated
22 with the full back pay and benefits for the regular hours he or she would
23 have worked; and

24 (i) The failure to provide any of the rights or to follow the provisions of this
25 section may be raised by the hospital police officer with the hearing
26 authority. The hearing authority shall not exclude proffered evidence based
27 on failure to follow the requirements of this section but shall consider

1 *whether, because of the failure, the proffered evidence lacks weight or*
2 *credibility and whether the hospital police officer has been materially*
3 *prejudiced.*