

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. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) The Kentucky Law Enforcement Council shall, within ninety (90) days of
6 submission, approve and certify:

7 (a) An eighty (80) hour basic training course for constables and deputy
8 constables which shall at least focus on basic officer skills, the Kentucky
9 penal code, constitutional procedures, and emergency vehicle operations;
10 and

11 (b) Acceptable topics for an annual in-service training course that are
12 appropriate to constables' and deputy constables' duties and
13 responsibilities;
14 that are submitted by the Kentucky Constable Association, Inc. or any other law
15 enforcement entity otherwise authorized by the council to conduct training
16 courses.

17 (2) (a) The Kentucky Law Enforcement Council shall within ninety (90) days after
18 approval under subsection (1) of this section, promulgate administrative
19 regulations in accordance with KRS Chapter 13A to allow the Kentucky
20 Constable Association, Inc. and any other law enforcement entity otherwise
21 authorized by the council to conduct the basic training course and in-
22 service training course submitted under subsection (1) of this section for
23 certification of constables and deputy constables.

24 (b) The Kentucky Law Enforcement Council shall certify the in-service training
25 courses submitted by the Kentucky Constable Association, Inc. and any
26 other law enforcement entity otherwise authorized by the council to conduct
27 training courses.

1 (3) Any constable or deputy constable who has successfully completed a minimum of
2 eighty (80) hours of basic training certified in accordance with this section or is
3 certified under KRS 15.380 to 15.404 shall be recognized as a certified constable.
4 Certified constables shall be recognized as peace officers and shall have the
5 powers as set out in this section and Section 2 of this Act.

6 (4) In order to maintain certification, constables and deputy constables shall
7 complete forty (40) additional hours of in-service training each year beginning
8 the year after initial certification.

9 (5) Instructors of the basic training course and the in-service training course shall be
10 certified in the same manner as instructors under KRS 15.360 and 15.370.

11 (6) (a) Notwithstanding any statute to the contrary, any constable or deputy
12 constable holding office on or after January 1, 2027, shall be granted the
13 full powers and authorities generally applicable to peace officers upon the
14 successful completion of the basic training course set out in this section.

15 (b) In addition, any constable serving in office on the effective date of this Act
16 who has served consecutive terms in office since December 31, 2022, shall
17 be recognized as a being a certified constable if that constable completes the
18 annual forty (40) hours in-service training course as described in this
19 section.

20 (7) Any approved provider of the basic training course and in-service training course
21 shall issue a certificate of completion to the person taking the basic training
22 course or in-service training course upon his or her successful completion, and
23 shall forward a copy of that certificate to the Kentucky Law Enforcement
24 Council. The Kentucky Law Enforcement Council shall track the amounts and
25 status of every constable's training and shall regularly notify the constables,
26 deputy constables, and county judges/executive of the training status of the
27 constables and deputy constables.

1 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Any constable and deputy constable having satisfied the basic training
4 requirement and the in-service training requirement in Section 1 of this Act as
5 well as constables meeting the requirements of subsection (6)(b) of Section 1 of
6 this Act shall be considered a peace officer as defined in KRS 446.010 and shall
7 possess all the powers, privileges, and immunities of a peace officer throughout
8 the Commonwealth, including:

9 (a) The power to cite and arrest;

10 (b) The authority to conduct traffic stops and enforce state motor vehicle laws;
11 and

12 (c) The authority to execute warrants, summonses, subpoenas, and other court
13 orders in all criminal and civil cases.

14 (2) In the event of extenuating circumstances beyond the control of a certified
15 constable or deputy constable that prevents the officer from completing the basic
16 training course or the in-service training course within the time specified in
17 subsection (3) or (4) of Section 1 of this Act, the executive director of the
18 Kentucky Law Enforcement Council or his or her designee may grant the officer
19 an extension of time not exceeding one hundred eighty (180) days in which to
20 complete the training.

21 (3) Any certified constable or deputy constable who fails to successfully complete the
22 basic training course or in-service training course within the specified time
23 periods, including extensions, shall lose his or her peace officer powers, and his
24 or her certification status shall be changed to training deficiency status. When a
25 certified constable or deputy constable is deficient in required training, the
26 Kentucky Law Enforcement Council shall notify the constable, if a deputy
27 constable under his or her command is deficient, or the county judge/executive of

1 the county, in the case of a constable.

2 (4) A certified constable or deputy constable who has lost his or her peace officer
3 powers due solely to his or her failure to meet the basic training or in-service
4 training requirements of this section may regain his or her certification status
5 and peace officer powers upon successful completion of the training deficiency.

6 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
7 READ AS FOLLOWS:

8 The following certification categories shall exist for certified constables and deputy
9 constables and be exclusive of one another:

10 (1) "Certification status" means that the certified constable or deputy constable is
11 presently serving as a constable or deputy constable and has met all training
12 requirements. The constable or deputy constable shall have peace officer powers
13 as set out in Section 2 of this Act;

14 (2) "Inactive status":

15 (a) Means that:

16 1. The constable or deputy constable is not serving as a constable or
17 deputy constable on or after December 31, 2026; or

18 2. The constable or deputy constable is on military active duty for a
19 period exceeding three hundred sixty-five (365) days.

20 (b) A constable or deputy constable who is on inactive status and who returns to
21 the office of constable or deputy constable shall have certification status
22 restored if he or she has successfully completed the basic training course,
23 has not committed an act for which his or her certified status may be
24 revoked pursuant to Section 6 of this Act, and successfully completes an in-
25 service training course.

26 (c) A constable or deputy constable returning from inactive to certification
27 status after the effective date of this Act shall otherwise be eligible to serve

1 in that office;

2 (3) "Training deficiency status" means that the certified constable or deputy
3 constable has failed to meet all in-service training course requirements. The
4 constable's or deputy constable's peace officer powers shall automatically
5 terminate, and the constable or deputy constable shall not exercise peace officer
6 powers in the Commonwealth until he or she has corrected the in-service training
7 deficiency; and

8 (4) "Revoked status" means that the constable or deputy constable has no peace
9 officer powers and his or her certification has been revoked by the Kentucky Law
10 Enforcement Council for one (1) or more of the reasons for revocation described
11 under KRS 15.391.

12 ➔ Section 4. KRS 70.325 is amended to read as follows:

13 ~~[(1)]~~ Constables and deputy constables who are not certified as having completed an
14 eighty (80) hour basic training course under Section 1 of this Act, who have not
15 completed the forty (40) hours of in-service training in the time limits as set out in
16 Sections 1 and 2 of this Act, or are not otherwise exempted under subsection (6) of
17 Section 1 of this Act shall not possess ~~[Except as provided in subsection (2) of this~~
18 ~~section, for any constable or deputy constable taking office after January 1, 2023, who~~
19 ~~was not a constable or deputy constable in the preceding four (4) year term of office, the~~
20 ~~powers and duties of the office of constable shall not include]~~ the general powers of a
21 peace officer or police officer. The powers and duties of the office of constable shall
22 include:

23 (1) ~~[(a)]~~ The specific powers and duties enumerated in this chapter;

24 (2) ~~[(b)]~~ The power to distrain for his or her fees or for that of other officers as
25 provided in KRS 64.400;

26 (3) ~~[(c)]~~ The power to take necessary steps to stop, prevent, or bring under control any
27 dog found chasing or molesting wild elk or deer at any time as provided in KRS

1 150.390;

2 ~~(4)(d)~~ The power~~[- in a county containing a city of the first class,]~~ to serve all forms
3 of legal process in any child support action as provided in KRS 15.856;

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

6 ~~(6)(f)~~ The power to serve a warrant to levy and seize upon the baggage and other
7 personal property of a guest for unpaid services to the keeper of a hotel, inn,
8 boarding house, or house of private entertainment as provided in KRS 376.350;

9 ~~(7)(g)~~ The power to enforce a lien for the care of livestock as provided in KRS
10 376.410;

11 ~~(8)(h)~~ The power to execute a warrant in actions regarding forcible entry or detainers
12 as provided in KRS 383.210 and 383.245;

13 ~~(9)(i)~~ The power to serve subpoenas issued by the Parole Board as provided in KRS
14 439.390; and

15 ~~(10)(j)~~ The power to take up vagrants, kill mad dogs, kill and bury a distempered
16 horse, ass, or mule, kill and bury cattle, and alter a stud, jackass, or bull as provided
17 in KRS 64.190~~[-~~.

18 ~~(2) After January 1, 2023, no constable who is elected for the first time or a deputy~~
19 ~~constable appointed pursuant to KRS 70.320 shall be granted the powers generally~~
20 ~~applicable to peace officers and police officers unless the individual has been~~
21 ~~certified and maintains his or her certification pursuant to KRS 15.380].~~

22 ➔Section 5. KRS 15.856 is amended to read as follows:

23 ~~[In a county containing a city of the first class,]~~The provisions of KRS 454.140
24 notwithstanding, including those provisions related to priority of other officers, all forms
25 of legal process may be served in any child support action by a constable of the county
26 upon direction by the initiating party. A constable shall not be automatically deemed an
27 interested party in litigation merely by virtue of serving process on behalf of the

1 Commonwealth.

2 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO
3 READ AS FOLLOWS:

4 *The certification of a constable or deputy constable may, after a hearing held in*
5 *conformity with KRS Chapter 13B, be revoked by the Kentucky Law Enforcement*
6 *Council for one (1) or more of the reasons for revocation described under KRS 15.391.*

7 ➔Section 7. KRS 15.310 is amended to read as follows:

8 As used in KRS 15.310 to 15.510, 15.990, and 15.992, unless the context otherwise
9 requires:

- 10 (1) "Basic training course" means the peace officer or court security officer basic
11 training course provided by the Department of Criminal Justice Training or a course
12 approved and recognized by the Kentucky Law Enforcement Council;
- 13 (2) "Certified court security officer" means a court security officer who is certified
14 under KRS 15.380 to 15.404;
- 15 (3) "Certified peace officer" means a peace officer who is certified under KRS 15.380
16 to 15.404;
- 17 (4) "Certification" means the act by the council of issuing certification to a peace
18 officer or court security officer who successfully completes the training
19 requirements pursuant to KRS 15.404 and the requirements set forth within this
20 chapter;
- 21 (5) "Council" means the Kentucky Law Enforcement Council established by KRS
22 15.310 to 15.510, 15.990, and 15.992;
- 23 (6) "Court security officer" means a person required to be certified under KRS
24 15.380(1)(c) and who is charged with the duties set out in KRS 70.280;
- 25 (7) "Department" means the Department of Criminal Justice Training of the Justice and
26 Public Safety Cabinet;
- 27 (8) "Fire investigator" means a professional firefighter, as used in KRS 95A.210, who

1 has been appointed to investigate offenses under KRS Chapter 513 and to exercise
2 peace officer powers under KRS 95A.100, or a deputy fire marshal who has been
3 appointed to be a fire investigator and to exercise peace officer powers under KRS
4 227.220;

5 (9) "Law enforcement officer" means a member of a lawfully organized police unit or
6 police force of county, city or metropolitan government who is responsible for the
7 detection of crime and the enforcement of the general criminal laws of the state, as
8 well as sheriffs, constables and deputy constables, sworn deputy sheriffs, campus
9 police officers, law enforcement support personnel, public airport authority security
10 officers, and other public and federal peace officers responsible for law
11 enforcement;

12 (10) "Peace officer" means a person defined in KRS 446.010, or a fire investigator
13 appointed to exercise peace officer powers under KRS 95A.100 or 227.220;

14 (11) "Secretary" means the secretary of the Justice and Public Safety Cabinet; and

15 (12) "Validated job task analysis" means the minimum entry level qualifications and
16 training requirements for peace officers in the Commonwealth based upon an actual
17 survey and study of police officer duties and responsibilities conducted by an entity
18 recognized by the Kentucky Law Enforcement Council as being competent to
19 conduct such a study.

20 ➔Section 8. KRS 15.315 is amended to read as follows:

21 The Kentucky Law Enforcement Council is hereby established as an independent
22 administrative body of state government to be made up as follows:

23 (1) The Attorney General of Kentucky, the commissioner of the Department of
24 Kentucky State Police, the commissioner of the Department of Criminal Justice
25 Training, the chief of police of the Louisville Metro Police Department, the chief of
26 police of the Lexington-Fayette Urban County Division of Police, the chief of
27 police of the Bowling Green Police Department, the chief of police of the

1 Owensboro Police Department, the director of the Northern Kentucky Police and
2 Sheriff's Training Center, the director of the Southern Police Institute of the
3 University of Louisville, the dean of the College of Justice and Safety of Eastern
4 Kentucky University, the president of the Kentucky Peace Officers Association, the
5 president of the Kentucky Association of Chiefs of Police, the Kentucky president
6 of the Fraternal Order of Police, the president of the Kentucky Women's Law
7 Enforcement Network, **the president of the Kentucky Constable Association, Inc.,**
8 and the president of the Kentucky Sheriffs' Association shall be ex officio members
9 of the council, as full voting members of the council by reason of their office. The
10 United States attorneys for the Eastern and Western Districts of Kentucky may
11 confer and designate a local law enforcement liaison who shall serve on the council
12 in an advisory capacity only without voting privileges. Each ex officio member may
13 designate in writing a person to represent him or her and to vote on his or her
14 behalf. Designees of the Department of Kentucky State Police, Department of
15 Criminal Justice Training, Louisville Metro Police Department, Bowling Green
16 Police Department, Owensboro Police Department, Northern Kentucky Police and
17 Sheriff's Training Center, and Lexington-Fayette Urban County Division of Police
18 shall be the head of the agency's training division or the agency's deputy chief or
19 deputy commissioner;

20 (2) **Thirteen (13)**~~Twelve (12)~~ members shall be appointed by the Governor for terms
21 of four (4) years from the following classifications: a city manager or mayor from a
22 list of three (3) names submitted by the Kentucky League of Cities, a county
23 judge/executive from a list of three (3) names submitted by the Kentucky
24 Association of Counties, three (3) Kentucky sheriffs, a member of the Kentucky
25 State Bar Association, five (5) chiefs of police, **a constable from a list of three (3)**
26 **names submitted by the Kentucky Constable Association, Inc.,** and a citizen of
27 Kentucky not coming within the foregoing classifications. No person shall serve

1 beyond the time he or she holds the office or employment by reason of which he or
2 she was initially eligible for appointment. Vacancies shall be filled in the same
3 manner as the original appointment and the successor shall be appointed for the
4 unexpired term. Any member may be appointed for additional terms;

5 (3) No member may serve on the council with the dual membership as the
6 representative of more than one (1) of the aforementioned groups or the holder of
7 more than one (1) of the aforementioned positions. In the event that an existing
8 member of the council assumes a position entitling him to serve on the council in
9 another capacity, the Governor shall appoint an additional member from the group
10 concerned to prevent dual membership; and

11 (4) Membership on the council does not constitute a public office, and no member shall
12 be disqualified from holding public office by reason of his membership.

13 ➔Section 9. KRS 17.190 is amended to read as follows:

14 (1) For purposes of this section:

15 (a) "Call location information" means the best available location information,
16 including but not limited to information obtained using historical cellular site
17 information or a mobile locator tool;

18 (b) "Emergency responder" has the same meaning as in KRS 194A.400;

19 (c) "Law enforcement agency" means any lawfully organized investigative
20 agency, sheriff's office, constable's office wherein the constable or one (1) or
21 more deputy constables possess the powers of a peace officer, police unit, or
22 police force of state, county, urban-county government, charter county, city,
23 consolidated local government, or a combination of these, responsible for the
24 detection of crime and the enforcement of the general criminal laws~~], and~~
25 ~~excludes constables].~~

26 (d) "Public safety answering point" has the same meaning as in KRS 65.750;

27 (e) "Wireless communications device" means any wireless electronic

1 communication device that provides for voice or data communication between
2 two (2) or more parties, including a mobile or cellular telephone; and

3 (f) "Wireless telecommunications carrier" means a provider of commercial
4 mobile radio services, including all broadband personal communications
5 services, wireless radio telephone services, geographic area specialized and
6 enhanced specialized mobile radio services, and incumbent wide area
7 specialized mobile radio licenses, which offer real-time, two-way voice
8 services interconnected with the public switched telephone network and doing
9 business in this Commonwealth.

10 (2) (a) Upon a request from a public safety answering point or law enforcement
11 agency, a wireless telecommunications carrier shall provide call location
12 information concerning the wireless communications device of a wireless
13 telecommunications user to the requesting public safety answering point or
14 law enforcement agency, in order to respond to a call for emergency services
15 or in an emergency situation that involves the imminent risk of death or
16 serious physical injury.

17 (b) Local emergency responders seeking call location information under this
18 section shall direct inquiries to either a public safety answering point or a law
19 enforcement agency, and the highest ranking person on duty at the public
20 safety answering point or a law enforcement agency shall determine, in
21 consultation with the emergency responders in the jurisdiction in which the
22 emergency call or situation arose, whether the conditions under paragraph (a)
23 of this subsection are met.

24 (3) Notwithstanding any other provision of law to the contrary, nothing in this section
25 prohibits a wireless telecommunications carrier from establishing protocols by
26 which the carrier could voluntarily disclose call location information.

27 (4) No cause of action shall lie in any court against any wireless telecommunications

1 carrier or its officers, employees, or agents for providing call location information
2 while acting in good faith and in accordance with this section.

3 (5) (a) In order to facilitate requests for call location information in accordance with
4 this section, all wireless telecommunications carriers and all resellers of
5 wireless telecommunications doing business in the Commonwealth shall
6 submit emergency contact information to:

- 7 1. The Department of Kentucky State Police, for dissemination to law
8 enforcement agencies; and
- 9 2. The Kentucky 911 Services Board, as created in KRS 65.7623, for
10 dissemination to public safety answering points.

11 (b) The contact information required under this subsection shall be submitted
12 annually, or immediately upon any change in contact information.

13 (6) All public safety answering points and law enforcement agencies shall develop and
14 maintain policies and procedures regarding this section.

15 (7) Call location information gathered pursuant to this section shall not be disclosed to
16 any party who is not officially involved in the underlying emergency response.

17 ➔Section 10. KRS 70.310 is amended to read as follows:

18 (1) Every constable and each deputy constable appointed under KRS 70.320 shall
19 execute a bond in an amount ~~of~~^{determined} sufficient by the fiscal court or the
20 legislative council of the urban-county government or legislative body of a
21 consolidated local government, the minimum amount of which shall be ten
22 thousand dollars (\$10,000) ~~with good sureties approved by the fiscal court~~.

23 (2) The bond shall be recorded by the fiscal court with the county clerk ~~and the~~
24 approval of the sureties shall be entered on the records of the fiscal court.

25 (3) The bond shall be renewed biennially, and more often if required by the fiscal court
26 or the legislative council of an urban-county government or legislative body of a
27 consolidated local government ~~When additional security is required of the~~

1 ~~constable or deputy constable, he or she shall be given at least ten (10) days'~~
2 ~~notice~~].

3 ➔Section 11. KRS 15.404 is amended to read as follows:

4 (1) (a) Any peace officers employed or appointed after December 1, 1998, who have
5 not successfully completed basic training at a school certified or recognized
6 by the Kentucky Law Enforcement Council, shall within one (1) year of their
7 appointment or employment, successfully complete a basic training course, as
8 established by KRS 15.380 to 15.404~~[KRS 15.440]~~, at a school certified or
9 recognized by the Kentucky Law Enforcement Council or receive a basic
10 training credit approved by the Kentucky Law Enforcement Council under
11 KRS 15.440(1)(d)6.

12 (b) In the event of extenuating circumstances beyond the control of an officer that
13 prevent the officer from completing basic training within one (1) year, the
14 executive director of the Kentucky Law Enforcement Council~~[commissioner~~
15 ~~of the department]~~ or his or her designee may grant the officer an extension of
16 time, not to exceed one hundred eighty (180) days, in which to complete the
17 training.

18 (c) Any peace officer who fails to successfully complete basic training within the
19 specified time periods, including extensions, shall lose his or her law
20 enforcement powers and his or her precertification status shall lapse. Further,
21 the peace officer shall be prohibited from serving as a peace officer for a
22 period of one (1) year from the date that his or her precertification lapses.

23 (2) (a) All peace officers with active certification status shall successfully complete
24 forty (40) hours of annual in-service training that has been certified or
25 recognized by the Kentucky Law Enforcement Council, that is appropriate to
26 the officer's rank and responsibility and the size and location of his
27 department.

- 1 (b) In the event of extenuating circumstances beyond the control of an officer that
2 prevent the officer from completing the in-service training within one (1)
3 year, the executive director of the Kentucky Law Enforcement
4 Council~~commissioner of the department~~ or his or her designee may grant
5 the officer an extension of time, not to exceed one hundred eighty (180) days,
6 in which to complete the training. If the officer is unable to complete the in-
7 service training due to injury or illness that prevents him or her from working
8 as a peace officer, the one hundred eighty (180) day extension shall begin on
9 the date that the officer returns to work.
- 10 (c) Any peace officer who fails to successfully complete in-service training
11 within the specified time periods, including extensions, shall lose his or her
12 law enforcement powers and his or her certification status shall be changed to
13 training deficiency status.
- 14 (d) When a peace officer is deficient in required training, the commissioner of the
15 department or his or her designee shall notify the council, which shall notify
16 the peace officer and his or her agency.
- 17 (e) The requirements of this subsection shall be waived for the period of time that
18 a peace officer is serving on active duty in the United States Armed Forces.
- 19 (f) This waiver shall be retroactive for peace officers from the date of September
20 11, 2001.
- 21 (3) An officer who has lost his or her law enforcement powers due solely to his or her
22 failure to meet the in-service training requirements of this section may regain his or
23 her certification status and law enforcement powers upon successful completion of
24 the training deficiency.
- 25 (4) (a) Any constable who is elected may apply for admission to a basic training
26 course, as established by KRS 15.440, at a school certified or recognized by
27 the Kentucky Constable Association, Inc., the Kentucky Law Enforcement

1 Council, or the Department for Criminal Justice Training. The constable
2 shall meet all precertification requirements established pursuant to KRS
3 15.382 for attendance. The constable shall bear all costs associated with
4 precertification. The constable shall bear all costs associated with completion
5 of the basic training course, except the costs of basic training at a course
6 established pursuant to KRS 15.340].

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

9 1. ~~The constable meets the precertification requirements; and~~

10 2. ~~the basic training course has the training capacity to instruct the constable.~~ If
11 space is not available upon request, the constable or deputy constable
12 possessing peace officer powers at the time of application shall continue to
13 possess peace officer powers until training is made available to them and
14 they complete the training course.

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

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

- 17 (1) "Action" includes all proceedings in any court of this state;
- 18 (2) "Animal" includes every warm-blooded living creature except a human being;
- 19 (3) "Attorney" means attorney-at-law;
- 20 (4) "Bequeath" and "devise" mean the same thing;
- 21 (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal
22 estate, or both;
- 23 (6) "Business trust" includes, except when utilized in KRS Chapter 386, a "statutory
24 trust" as organized under KRS Chapter 386A;
- 25 (7) "Case plan" means an individualized accountability and behavior change strategy
26 for supervised individuals that:
- 27 (a) Targets and prioritizes the specific criminal risk factors of the individual

- 1 based upon his or her assessment results;
- 2 (b) Matches the type and intensity of supervision and treatment conditions to the
- 3 individual's level of risk, criminal risk factors, and individual characteristics,
- 4 such as gender, culture, motivational stage, developmental stage, and learning
- 5 style;
- 6 (c) Establishes a timetable for achieving specific behavioral goals, including a
- 7 schedule for payment of victim restitution, child support, and other financial
- 8 obligations; and
- 9 (d) Specifies positive and negative actions that will be taken in response to the
- 10 supervised individual's behaviors;
- 11 (8) "Certified mail" means any method of governmental, commercial, or electronic
- 12 delivery that allows a document or package to have proof of:
- 13 (a) Sending the document or package;
- 14 (b) The date the document or package was delivered or delivery was attempted;
- 15 and
- 16 (c) The signature of the receipt of the document or package;
- 17 (9) "Company" may extend and be applied to any corporation, company, person,
- 18 partnership, joint stock company, or association;
- 19 (10) "Corporation" may extend and be applied to any corporation, company, partnership,
- 20 joint stock company, or association;
- 21 (11) "Criminal risk factors" are characteristics and behaviors that, when addressed or
- 22 changed, affect a person's risk for committing crimes. The characteristics may
- 23 include but are not limited to the following risk and criminogenic need factors:
- 24 antisocial behavior; antisocial personality; criminal thinking; criminal associates;
- 25 dysfunctional family; low levels of employment or education; poor use of leisure
- 26 and recreation; and substance abuse;
- 27 (12) "Cruelty" as applied to animals includes every act or omission whereby

- 1 unjustifiable physical pain, suffering, or death is caused or permitted;
- 2 (13) "Directors," when applied to corporations, includes managers or trustees;
- 3 (14) "Domestic," when applied to a corporation, partnership, business trust, or limited
4 liability company, means all those incorporated or formed by authority of this state;
- 5 (15) "Domestic animal" means any animal converted to domestic habitat;
- 6 (16) "Evidence-based practices" means policies, procedures, programs, and practices
7 proven by scientific research to reliably produce reductions in recidivism when
8 implemented competently;
- 9 (17) "Federal" refers to the United States;
- 10 (18) "Foreign," when applied to a corporation, partnership, limited partnership, business
11 trust, statutory trust, or limited liability company, includes all those incorporated or
12 formed by authority of any other state;
- 13 (19) "Generally accepted accounting principles" are those uniform minimum standards
14 of and guidelines to financial accounting and reporting as adopted by the National
15 Council on Governmental Accounting, under the auspices of the Municipal Finance
16 Officers Association and by the Financial Accounting Standards Board, under the
17 auspices of the American Institute of Certified Public Accountants;
- 18 (20) "Graduated sanction" means any of a wide range of accountability measures and
19 programs for supervised individuals, including but not limited to electronic
20 monitoring; drug and alcohol testing or monitoring; day or evening reporting
21 centers; restitution centers; reentry centers; disallowance of future earned
22 compliance credits; rehabilitative interventions such as substance abuse or mental
23 health treatment; reporting requirements to probation and parole officers;
24 community service or work crews; secure or unsecure residential treatment facilities
25 or halfway houses; and short-term or intermittent incarceration;
- 26 (21) "Humane society," "society," or "Society for the Prevention of Cruelty to Animals,"
27 means any nonprofit corporation, organized under the laws of this state and having

- 1 as its primary purpose the prevention of cruelty to animals;
- 2 (22) "Issue," as applied to the descent of real estate, includes all the lawful lineal
3 descendants of the ancestors;
- 4 (23) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights
5 thereto and interest therein, other than a chattel interest;
- 6 (24) "Legatee" and "devisee" convey the same idea;
- 7 (25) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or
8 any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- 9 (26) "May" is permissive;
- 10 (27) "Month" means calendar month;
- 11 (28) "Oath" includes "affirmation" in all cases in which an affirmation may be
12 substituted for an oath;
- 13 (29) "Owner" when applied to any animal, means any person having a property interest
14 in such animal;
- 15 (30) "Partnership" includes both general and limited partnerships;
- 16 (31) "Peace officer" includes sheriffs, constables and deputy constables granted police
17 powers, coroners, jailers, metropolitan and urban-county government correctional
18 officers, marshals, policemen, and other persons with similar authority to make
19 arrests;
- 20 (32) "Penitentiary" includes all of the state penal institutions except the houses of
21 reform;
- 22 (33) "Person" may extend and be applied to bodies-politic and corporate, societies,
23 communities, the public generally, individuals, partnerships, joint stock companies,
24 and limited liability companies;
- 25 (34) "Personal estate" includes chattels, real and other estate that passes to the personal
26 representative upon the owner dying intestate;
- 27 (35) "Pretrial risk assessment" means an objective, research-based, validated assessment

1 tool that measures a defendant's risk of flight and risk of anticipated criminal
2 conduct while on pretrial release pending adjudication;

3 (36) "Registered mail" means any governmental, commercial, or electronic method of
4 delivery that allows a document or package to have:

5 (a) Its chain of custody recorded in a register to enable its location to be tracked;

6 (b) Insurance available to cover its loss; and

7 (c) The signature of the recipient of the document or package available to the
8 sender;

9 (37) "Regular election" means the election in even-numbered years at which members of
10 Congress are elected and the election in odd-numbered years at which state officers
11 are elected;

12 (38) "Risk and needs assessment" or "validated risk and needs assessment" means an
13 actuarial tool scientifically proven to determine a person's risk to reoffend and
14 criminal risk factors, that when properly addressed, can reduce that person's
15 likelihood of committing future criminal behavior;

16 (39) "Shall" is mandatory;

17 (40) "State" when applied to a part of the United States, includes territories, outlying
18 possessions, and the District of Columbia; "any other state" includes any state,
19 territory, outlying possession, the District of Columbia, and any foreign government
20 or country;

21 (41) "State funds" or "public funds" means sums actually received in cash or negotiable
22 instruments from all sources unless otherwise described by any state agency, state-
23 owned corporation, university, department, cabinet, fiduciary for the benefit of any
24 form of state organization, authority, board, bureau, interstate compact,
25 commission, committee, conference, council, office, or any other form of
26 organization whether or not the money has ever been paid into the Treasury and
27 whether or not the money is still in the Treasury if the money is controlled by any

- 1 form of state organization, except for those funds the management of which is to be
2 reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605,
3 and 42.615;
- 4 (42) "Supervised individual" means an individual placed on probation by a court or
5 serving a period of parole or post-release supervision from prison or jail;
- 6 (43) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted
7 for an oath;
- 8 (44) "Treatment" when used in a criminal justice context, means targeted interventions
9 that focus on criminal risk factors in order to reduce the likelihood of criminal
10 behavior. Treatment options may include but shall not be limited to community-
11 based programs that are consistent with evidence-based practices; cognitive-
12 behavioral programs; faith-based programs; inpatient and outpatient substance
13 abuse or mental health programs; and other available prevention and intervention
14 programs that have been scientifically proven to produce reductions in recidivism
15 when implemented competently. "Treatment" does not include medical services;
- 16 (45) "United States" includes territories, outlying possessions, and the District of
17 Columbia;
- 18 (46) "Vacancy in office," or any equivalent phrase, means such as exists when there is
19 an unexpired part of a term of office without a lawful incumbent therein, or when
20 the person elected or appointed to an office fails to qualify according to law, or
21 when there has been no election to fill the office at the time appointed by law; it
22 applies whether the vacancy is occasioned by death, resignation, removal from the
23 state, county or district, or otherwise;
- 24 (47) "Violate" includes failure to comply with;
- 25 (48) "Will" includes codicils; "last will" means last will and testament;
- 26 (49) "Year" means calendar year;
- 27 (50) "City" includes town;

- 1 (51) Appropriation-related terms are defined as follows:
- 2 (a) "Appropriation" means an authorization by the General Assembly to expend,
- 3 from public funds, a sum of money not in excess of the sum specified, for the
- 4 purposes specified in the authorization and under the procedure prescribed in
- 5 KRS Chapter 48;
- 6 (b) "Appropriation provision" means a section of any enactment by the General
- 7 Assembly which is not provided for by KRS Chapter 48 and which authorizes
- 8 the expenditure of public funds other than by a general appropriation bill;
- 9 (c) "General appropriation bill" means an enactment by the General Assembly
- 10 that authorizes the expenditure of public funds in a branch budget bill as
- 11 provided for in KRS Chapter 48;
- 12 (52) "Mediation" means a nonadversarial process in which a neutral third party
- 13 encourages and helps disputing parties reach a mutually acceptable agreement.
- 14 Recommendations by mediators are not binding on the parties unless the parties
- 15 enter into a settlement agreement incorporating the recommendations;
- 16 (53) "Biennium" means the two (2) year period commencing on July 1 in each even-
- 17 numbered year and ending on June 30 in the ensuing even-numbered year;
- 18 (54) "Branch budget bill" or "branch budget" means an enactment by the General
- 19 Assembly which provides appropriations and establishes fiscal policies and
- 20 conditions for the biennial financial plan for the judicial branch, the legislative
- 21 branch, and the executive branch, which shall include a separate budget bill for the
- 22 Transportation Cabinet;
- 23 (55) "AVIS" means the automated vehicle information system established and
- 24 maintained by the Transportation Cabinet to collect titling and registration
- 25 information on vehicles and boats and information on holders of motor vehicle
- 26 operator's licenses and personal identification cards;
- 27 (56) "Cooperative," except in KRS Chapter 272, includes a limited cooperative

1 association; and

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

8 ➔Section 13. KRS 189.910 is amended to read as follows:

9 (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used
10 for emergency purposes by:

- 11 (a) The Department of Kentucky State Police;
- 12 (b) A public police department;
- 13 (c) The Department of Corrections;
- 14 (d) A sheriff's office;
- 15 (e) A rescue squad;
- 16 (f) An emergency management agency if it is a publicly owned vehicle;
- 17 (g) A licensed ambulance service, mobile integrated healthcare program, or
18 medical first response provider licensed by the Kentucky Board of Emergency
19 Medical Services, for any vehicle used to respond to emergencies or to
20 transport a patient with a critical medical condition;
- 21 (h) Any vehicle commandeered by a peace~~police~~ officer;
- 22 (i) Any vehicle with the emergency lights required under KRS 189.920 used by a
23 paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid
24 or local emergency management director while responding to an emergency
25 or to a location where an emergency vehicle is on emergency call;
- 26 (j) An elected coroner granted permission to equip a publicly or privately owned
27 motor vehicle with lights and siren pursuant to KRS 189.920;

1 (k) A deputy coroner granted permission to equip a publicly or privately owned
2 motor vehicle with lights and siren pursuant to KRS 189.920;

3 (l) Any vehicle used by an organ procurement organization while transporting a
4 human organ or tissue for the purpose of organ recovery or transplantation in
5 an emergency situation involving an imminent health risk;~~{or}~~

6 (m) A game warden of the Kentucky Department of Fish and Wildlife Resources;

7 or

8 (n) Any vehicle used for official law enforcement purposes by a constable or
9 deputy constable possessing the powers of a peace officer.

10 (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility
11 repair vehicle; wreckers; state, county, or municipal service vehicles and
12 equipment; highway equipment which performs work that requires stopping and
13 standing or moving at slow speeds within the traveled portions of highways; and
14 vehicles which are escorting wide-load or slow-moving trailers or trucks.

15 ➔Section 14. KRS 189.950 is amended to read as follows:

16 (1) ~~A~~~~no~~ motor vehicle, except those designated under KRS 189.910 to 189.950 as
17 emergency vehicles, shall **not** be equipped with, and a~~{nor shall any}~~ person **shall**
18 **not** use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped
19 with a theft alarm signal device which shall be so arranged that it cannot be used as
20 an ordinary warning signal.

21 (2) ~~A~~~~no~~ motor vehicle, except those designated under KRS 189.910 to 189.950 as
22 emergency vehicles, shall **not** be equipped with, and a~~{nor shall any}~~ person **shall**
23 **not** use upon a vehicle any red or blue flashing, revolving, or oscillating light or
24 place a red light on the front thereof. This subsection shall not apply to the use of
25 red flashing lights on school buses or to stop lights or turn signals at the rear of any
26 motor vehicle.

27 (3) Except as otherwise provided for in this section, a person shall not illuminate a blue

1 light that is affixed to a motor vehicle while operating the motor vehicle on a
2 highway. This subsection shall not apply to:

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

6 (4) ~~A[No]~~ motor vehicle, except those designated under KRS 189.910 to 189.950 as
7 public safety vehicles, shall ***not*** be equipped with, ~~and a[not shall any]~~ person ***shall***
8 ***not*** use upon any vehicle any yellow flashing, revolving, or oscillating light. This
9 subsection shall not apply to the use of yellow lights for turn signals; or to
10 emergency flasher lights for use when warning the operators of other vehicles of the
11 presence of a vehicular traffic requiring the exercise of unusual care in approaching,
12 overtaking, or passing; or to vehicles operated by mail carriers while on duty;
13 funeral escort vehicles and church buses.

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

23 (6) (a) Any constable ***without peace officer powers***~~[meeting the requirements of~~
24 ~~KRS 70.325(2)]~~ may, upon approval of the fiscal court in the county of
25 jurisdiction, the legislative council of an urban-county government, or the
26 legislative body of a consolidated local government, equip vehicles used by
27 said officer as emergency vehicles with one (1) or more flashing, rotating or

1 oscillating blue lights, visible under normal atmospheric condition from a
2 distance of five hundred (500) feet to the front of such vehicle, and a siren,
3 whistle or bell, capable of emitting a sound audible under normal conditions
4 from a distance of not less than five hundred (500) feet. This equipment shall
5 be in addition to any other equipment required by the motor vehicle laws. Any
6 constable authorized by the fiscal court to utilize blue lights and a siren
7 pursuant to this section shall maintain at least the insurance described by KRS
8 304.39-110.

- 9 (b) 1. Any constable who has successfully completed a basic training course,
10 as established by KRS 15.440, at a school certified or recognized by the
11 Kentucky Law Enforcement Council, and who maintains his or her
12 certification as a peace officer pursuant to KRS 15.380 through his or
13 her term of office as a constable, or otherwise possesses the powers of a
14 peace officer, may equip vehicles used by that officer as emergency
15 vehicles with one (1) or more flashing, rotating, or oscillating blue
16 lights, visible under normal atmospheric conditions from a distance of
17 five hundred (500) feet to the front of the vehicle, and a siren, whistle,
18 or bell, capable of emitting a sound audible under normal conditions
19 from a distance of not less than five hundred (500) feet. This equipment
20 shall be in addition to any other equipment required by the motor
21 vehicle laws. Any constable authorized to use blue lights and a siren
22 pursuant to this section shall maintain at least the insurance described by
23 KRS 304.39-110.
- 24 2. The fiscal court in the county of jurisdiction, the legislative council of
25 an urban-county government, or the legislative body of a consolidated
26 local government may revoke this authorization, if the fiscal court, the
27 council, or the body determines an issue of public safety or abuse by the

1 constable.

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

10 ➔Section 15. This Act may be cited as the Richard Lee VanHoose Act.

11 ➔Section 16. Whereas it is of the most utmost urgency that constables and deputy
12 constables all across the Commonwealth be given the opportunity to have their peace
13 officer powers restored through experience and education, an emergency is declared to
14 exist, and this Act takes effect upon its passage and approval by the Governor or upon its
15 otherwise becoming a law.