Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 1722
Bill #: HB 420
Document ID #: 5055
Bill Subject/Title: AN ACT relating to constables.
Sponsor: Rep. Adam Koenig
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government
Office(s) Impacted: County governments, local law enforcement, constables
Requirement:x Mandatory Optional
Effect on Powers & Duties:x Modifies Existing Adds Newx Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 420 creates a new section of KRS Chapter 70 detailing the powers and duties of constables. The Act generally excludes constables from the powers and duties of peace or police officers, with certain exceptions, and allows police powers where a county grants them and the constable or deputy constable have been certified, so long as that certification is maintained. The Act deletes constables from the list of those who can serve subpoenas. It amends KRS 61.300 and 61.310 deleting constables and deputy constables as peace officers.

HB 420 amends KRS 64.060 to remove non-certified constables from the fee schedule for services and allows certified constables to continue to receive fees per the schedule. It amends KRS 64.190 by deleting constable's fees for motor vehicle violations. The Act amends KRS 64.200 to exclude urban county governments from constable compensation requirements and includes deputy constables within reporting requirements. It amends KRS 70.310 to require deputy constables to execute bond. It amends KRS 70.320 to allow the appointment of deputy constables and specifies how they are appointed, their

numbers determined, and their qualifications. HB 420 amends KRS 70.350 to clarify where constables may execute warrants. The Act amends KRS 70.410 (relating to bond recovery) to include deputy constables.

HB 420 amends KRS 70.430 to clarify the nature and recipients of constable and deputy constable reports (to county clerks and fiscal courts). **The Act grants fiscal courts or county clerks and merged governments the authority to retain 25% of fees collected**, and amends KRS 70.440 to include mandated reports within false reporting prohibitions.

HB 420 amends KRS 148.056 and 150.100 by deleting the inclusion of constables as peace officers. It amends KRS 164.955 to specify that powers of constables are not being diluted or removed. The Act amends KRS 183.881 to clarify that constable powers are not impaired or diminished by anything in KRS 164.950 to 164.980

HB 420 amends KRS 189.950 to permit vehicle blue lights for constables, if the county grants them the authority and if they are certified as peace officers. It amends KRS 230.240, KRS 277.280, and KRS 281.765 removing constables and deputies, and amends KRS 446.010 to remove constables from the definition of "peace officers". The Act amends KRS 454.140 to direct service of process to sheriffs, excluding urban-county and consolidated local governments, unless they pass an ordinance granting the sheriff priority.

The fiscal impact of HB 420 is indeterminate and minimal. Sheriff's departments already serve the majority of court papers. HB 420 would likely minimally increase revenue for some sheriff's departments. Typically, municipal agencies have not been involved with serving civil process papers.

Fiscal courts and county clerks will receive some benefit from provisions of the Act that grant fiscal courts or county clerks and merged governments the authority to retain 25% of fees collected by constables.

According to the Kentucky League of Cities there should be little fiscal impact. Louisville and Lexington could receive a portion of the fees the constables collect if they choose, but that would be a minimal positive financial impact if they did. It would also be less likely for city police to deal with untrained and uncertified constables attempting to enforce laws, which could lead to slightly lower costs and more efficient policing efforts.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are no prior introduced versions of the bill to complete the Part III section.

Data Source(s): Kentucky Constables Association; Kentucky Sheriffs Association;

Kentucky Association of Chiefs of Police

Preparer: H. Marks **Reviewer:** KHC **Date:** 3/1/18