

determined, and their qualifications. HB 214 amends KRS 70.350 to clarify when constables may execute warrants. The Act amends KRS 70.410 (relating to bond recovery) to include deputy constables.

HB 214 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 214 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 214 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 214 is indeterminate and minimal. Sheriff's departments already serve the majority of court papers. HB 214 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 that 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:** 2/7/19