## Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

## Part I: Measure Information

Bill Request #: 1575						
Bill #: HB 384						
<b>Document ID #:</b> 4071						
Bill Subject/Title: AN ACT relating to local government						
Sponsor: Adam Koenig						
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment						
Office(s) Impacted: Cities, counties, local law enforcement, constables						
Requirement: <u>x</u> Mandatory Optional						
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New <u>x</u> Eliminates Existing						

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

HB 384 creates a new section of KRS Chapter 70 detailing the powers and duties of constables and excluding the general powers of peace or police officers, with certain exceptions. It allows police powers where the county grants them and the constable or deputy has been certified pursuant to KRS 15.380, so long as that certification is maintained.

The Act amends KRS 15.707, 16.060, 61.300, and 61.310 by deleting constables and deputy constables. It amends KRS 63.170 and 63.180 by adding constables and deputy constables. The Act amends KRS 64.060 to remove noncertified constables from the fee schedule for services and allow certified constables to continue to receive fees per the schedule.

HB 384 amends KRS 64.190 to amend the constable fee schedule and amends KRS 64.200 **to exclude urban-county governments from constable compensation requirements,** and including 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 and their numbers determined, and their qualifications.

The Act amends KRS 70.350 to specify where constables may execute warrants and amends KRS 70.410 to include deputy constables. It amends KRS 70.430 to specify the nature and recipient of constable and deputy constable's reports. It **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 384 amends KRS 148.056 and 164.955 to remove constables, and amends KRS 164.955 to specify that powers of constables are not being diluted or removed, and amends KRS 183.881 to specify that constable powers are not impaired or diminished. It 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.

The Act amends KRS 230.240 and 281.765 to remove constables, and amends KRS 281.765 to remove constables and deputies. It amends KRS 446.010 to remove constables from definition of "peace officers" and amends KRS 454.140 to direct service of process first to sheriffs and **excludes urban-county and consolidated local governments from this requirement**, unless they pass ordinances granting the sheriff priority.

**The fiscal impact of HB 384 is indeterminate and minimal**. Sheriff's departments already serve the majority of court papers. HB 384 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

Part II, above, pertains to the bill as introduced.

<b>Data Sourc</b>	<b>e</b> ( <b>s</b> ): <u>Ken</u>	cky Constables Association; Kentucky Sheriffs Association;				
	Ken	Kentucky Association of Chiefs of Police; Kentucky Association				
	Cou	inties; Kentucky League of (	<u>Cities</u>			
Preparer:	H. Marks	<b>Reviewer:</b>	КНС	Date:	2/7/20	