

Constables and deputy constables are responsible for all costs associated with the trainings necessary for certification unless state or local funds are made available.

The county board of elections will be required to notify the Association within 60 days after election of the constable. Where constable appointments are made by the judge/executive, the county clerk will be responsible for transmitting pertinent information to KCA. For deputy constables, the constable must provide KCA with the necessary information.

The Association will be responsible for developing and maintaining records for certified constables and deputy constables, including tracking the training hours completed and will be responsible for issuing certificates. They must also maintain a website listing of constables and deputy constables who have and have not completed training.

This legislation also amends KRS 189.910 and 189.920 to include a certified constable's office among the entities using an emergency vehicle.

KRS 189.950 is amended to require fiscal court approval for noncertified constables' use of vehicles outfitted with emergency equipment.

KRS 70.310 is amended to set the amount of bond for a certified constable at \$10,000. Similarly, it sets the minimum bond for a noncertified constable at \$10,000.

Under current law there are no training or certification requirements to serve as constable and this legislation would not change that.

Section 4 would authorize a city or county, at its discretion and by ordinance, to direct certified constables' and certified deputy constables' vehicles be equipped with emergency lights and sirens; if those vehicles are used as emergency vehicles. The bill does not address who would be responsible for paying for the lights and their installation.

According to the Association's website, it currently provides training to its members, though such training is not statutorily required. The training is paid for by the Association.

The bill imposes no mandate on local governments or on constables that would increase costs or revenue. The cost of required notification to KCA by the county board of elections or county clerk would be negligible, if any. The cost of posting constable training opportunities by the county attorney also would be none, or negligible.

Local governments that choose to create ordinances approving noncertified constables and noncertified deputy constables use of vehicles outfitted with emergency equipment, will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities (KLC), most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2020, the average hourly rate was \$107. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

Other than direct costs associated with passing an ordinance requiring constable's vehicles to be equipped with both blue lights and sirens, local governments would not be impacted by this legislation fiscally.

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

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

Data Source(s): LRC Staff, Kentucky League of Cities, Kentucky Constable Association Website

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/9/21