

1 AN ACT relating to constables.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
4 READ AS FOLLOWS:

5 *In enacting legislation relating to constables, the General Assembly recognizes*
6 *constables are elected constitutional peace officers. The General Assembly also*
7 *recognizes that the duties of constables are an essential governmental service. It is the*
8 *intent of Sections 1 to 3 of this Act to encourage constables to participate in approved*
9 *training sessions to improve his or her skills as an elected constitutional peace officer*
10 *in the Commonwealth.*

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
12 READ AS FOLLOWS:

13 *As used in Sections 2 to 3 of this Act, unless the context requires otherwise:*

14 *(1) "Department" means the Kentucky Department of Criminal Justice Training;*

15 *(2) "Council" means the Kentucky Law Enforcement Council;*

16 *(3) "Association" means the Kentucky Constable Association, Inc.;*

17 *(4) "Certified constable or deputy constable" means a person who has:*

18 *(a) Been elected or appointed to the office of constable or deputy constable and*
19 *has successfully completed and holds a certificate from the department*
20 *qualifying him or her as a certified constable or certified deputy constable;*
21 *or*

22 *(b) Successfully completed the requisite training and holds a certificate from*
23 *the Department of Criminal Justice Training Academy as a certified peace*
24 *officer under KRS 15.380 to 15.406;*

25 *(5) "Non-certified constable" means a person who has been elected who has not to*
26 *successfully completed the requisite training contained in Section 3 of this Act;*

27 *(6) "Non-certified deputy constable" means a person who has been appointed to the*

1 office of deputy constable, who has not successfully completed the requisite
 2 training contained in Section 3 of this Act, but is in the process of completing
 3 that training; and

4 (7) "Program" means the Constable Certification Program established pursuant to
 5 Section 3 of this Act.

6 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
 7 READ AS FOLLOWS:

8 (1) There is hereby created a Constable Certification Program that shall consist of
 9 the following components:

10 (a) Forty (40) hours of instruction on basic officer skills;

11 (b) Twenty-four (24) hours instruction on the penal code;

12 (c) Sixteen (16) hours instruction on constitutional procedures; and

13 (d) Eight (8) hours instruction on domestic violence.

14 (2) The specific content of courses within each component of the program shall be
 15 established, regulated, and provided by the department. The department shall
 16 promulgate administrative regulations in accordance with the provisions of KRS
 17 Chapter 13A. These administrative regulations shall cover the:

18 (a) Course content of each component;

19 (b) Required grade for successful completion of each component; and

20 (c) Instructor qualifications for each component.

21 (3) The program shall be provided at least once during each fiscal year. The program
 22 may be provided multiple times throughout each fiscal year through coordination
 23 between the department and the association.

24 (4) The program, to the extent determined by the department, may be a combination
 25 of in-person and online training.

26 (5) The program shall be funded from moneys provided by the Law Enforcement
 27 Foundation Program fund established pursuant to KRS 15.410 to KRS 15.518.

- 1 (6) Upon successful completion of the requisite course time to complete the program,
2 the council shall issue a certificate of completion to each constable or deputy
3 constable certifying he or she has completed the requisite course time under this
4 section designating him or her as a certified constable or certified deputy
5 constable.
- 6 (7) Each certified constable or deputy constable is required to complete each
7 calendar year a minimum of forty (40) hours of in-service training through a
8 school or instructor recognized by the council. This in-service training
9 requirement shall be waived for the period of time the constable or deputy
10 constable is serving on active duty in United States Armed Forces.
- 11 (8) In order to maintain his or her certification as a certified constable or deputy
12 constable, each certified constable or deputy constable shall annually meet the
13 marksmanship qualification requirement for a retired peace officer as specified
14 in KRS 237.140.
- 15 (9) Each certified constable or deputy constable shall successfully complete four (4)
16 hours of training in emergency vehicle operations every two (2) years by an
17 instructor certified by the council. These hours shall count toward the forty (40)
18 hours in-service training requirement under subsection (7) of this section.
- 19 (10) The county board of elections shall notify the association within sixty (60) days of
20 the election of a constable. When a constable is appointed by the county
21 judge/executive, the county clerk shall notify the association within sixty (60)
22 days of appointment of the constable. The board or county clerk shall provide the
23 name of the constable, the constable's current address, and telephone number.
24 For any county that appoints deputy constables, the constable under which the
25 deputy is appointed shall provide to the association the name of the deputy, the
26 deputy's current address, and telephone number within sixty (60) days of the
27 deputy's appointment.

1 *(11) The department shall maintain records of the number of in-service training*
2 *hours completed by each constable or deputy constable in the Commonwealth.*

3 *(12) Those constables or deputy constables who fail to complete the requisite training*
4 *under this section shall be designated as a non-certified constable.*

5 *(13) The association shall maintain on its Web site a list of all certified constables and*
6 *certified deputy constables and a list of all non-certified constables and non-*
7 *certified deputy constables.*

8 ➔Section 4. KRS 17.190 is amended to read as follows:

9 (1) For purposes of this section:

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

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

14 (c) "Law enforcement agency" means any lawfully organized investigative
15 agency, sheriff's office, *certified constable or deputy constable*, police unit, or
16 police force of state, county, urban-county government, charter county, city,
17 consolidated local government, or a combination of these, responsible for the
18 detection of crime and the enforcement of the general criminal laws, and
19 excludes constables.

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

21 (e) "Wireless communications device" means any wireless electronic
22 communication device that provides for voice or data communication between
23 two (2) or more parties, including a mobile or cellular telephone; and

24 (f) "Wireless telecommunications carrier" means a provider of commercial
25 mobile radio services, including all broadband personal communications
26 services, wireless radio telephone services, geographic area specialized and
27 enhanced specialized mobile radio services, and incumbent wide area

1 specialized mobile radio licenses, which offer real-time, two-way voice
2 services interconnected with the public switched telephone network and doing
3 business in this Commonwealth.

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

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

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

21 (4) No cause of action shall lie in any court against any wireless telecommunications
22 carrier or its officers, employees, or agents for providing call location information
23 while acting in good faith and in accordance with this section.

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

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

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

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

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

11 ➔Section 5. KRS 61.315 is amended to read as follows:

12 (1) As used in this section:

13 (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff,
14 constable, deputy constable, corrections employee with the power of a peace
15 officer pursuant to KRS 196.037, any metropolitan or urban-county
16 correctional officer with the power of a peace officer pursuant to KRS
17 446.010, any jailer or deputy jailer, any auxiliary police officer appointed
18 pursuant to KRS 95.445, any police officer of a public institution of
19 postsecondary education appointed pursuant to KRS 164.950, any school
20 resource officer as defined in KRS 158.441, or any citation or safety officer
21 appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or
22 employed by any county, airport board created pursuant to KRS Chapter 183,
23 city, local board of education, or by the state;

24 (b) "Firefighter" means every paid firefighter or volunteer firefighter who is
25 employed by or volunteers his or her services to the state, airport board
26 created pursuant to KRS Chapter 183, any county, city, fire district, or any
27 other organized fire department recognized, pursuant to KRS 95A.262, as a

1 fire department operated and maintained on a nonprofit basis in the interest of
2 the health and safety of the inhabitants of the Commonwealth and shall
3 include qualified civilian firefighters employed at Kentucky-based military
4 installations; and

5 (c) "Emergency medical services personnel" means any paid or volunteer
6 emergency medical services personnel who is certified or licensed pursuant to
7 KRS Chapter 311A and who is employed directly by, or volunteering directly
8 for, any:

- 9 1. County;
- 10 2. City;
- 11 3. Fire protection district created under KRS 75.010 to 75.260; or
- 12 4. Emergency ambulance service district created under KRS 108.080 to
13 108.180;

14 to provide emergency medical services.

15 (2) The spouse of any police officer, sheriff, deputy sheriff, constable, deputy
16 constable, corrections employee with the power of a peace officer pursuant to KRS
17 196.037, any metropolitan or urban-county correctional officer with the power of a
18 peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary
19 police officer appointed pursuant to KRS 95.445, any police officer of a public
20 institution of postsecondary education appointed pursuant to KRS 164.950, any
21 school resource officer as defined in KRS 158.441, or any citation or safety officer
22 appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the
23 Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member
24 of a state National Guard or a Reserve component on federal active duty under Title
25 10 or 32 of the United States Code who names Kentucky as home of record for
26 military purposes, whose death occurs on or after July 1, 2002, as a direct result of
27 an act in the line of duty shall receive a lump-sum payment of eighty thousand

1 dollars (\$80,000) if there are no surviving children, which sum shall be paid by the
2 State Treasurer from the general fund of the State Treasury. The spouse of any
3 emergency medical services personnel whose death occurs on or after November 1,
4 2015, as a direct result of an act in the line of duty shall receive a lump-sum
5 payment of eighty thousand dollars (\$80,000) if there are no surviving children,
6 which sum shall be paid by the State Treasurer from the general fund of the State
7 Treasury. If there are surviving children and a surviving spouse, the payment shall
8 be apportioned equally among the surviving children and the spouse. If there is no
9 surviving spouse, the payment shall be made to the surviving children, eighteen (18)
10 or more years of age. For surviving children less than eighteen (18) years of age, the
11 State Treasurer shall:

- 12 (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and
13 (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts
14 at appropriate interest rates for each surviving child until the child reaches the
15 age of eighteen (18) years.

16 If a child dies before reaching the age of eighteen (18) years, his or her account shall
17 be paid to his or her estate. If there are no surviving children, the payment shall be
18 made to any parents of the deceased.

19 (3) The Kentucky Fire Commission shall be authorized to promulgate administrative
20 regulations establishing criteria and procedures applicable to the administration of
21 this section as it pertains to both paid and volunteer firefighters, including but not
22 limited to defining when a firefighter has died in line of duty. Administrative
23 hearings promulgated by administrative regulation under authority of this
24 subsection shall be conducted in accordance with KRS Chapter 13B.

25 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations
26 establishing criteria and procedures applicable to the administration of this section
27 as it pertains to police officers, any metropolitan or urban-county correctional

1 officers with the power of a peace officer pursuant to KRS 446.010, any school
2 resource officer as defined in KRS 158.441, or any jailers or deputy jailers,
3 including but not limited to defining when one has died in line of duty.
4 Administrative hearings promulgated by administrative regulation under authority
5 of this subsection shall be conducted in accordance with KRS Chapter 13B.

6 (5) The Department of Corrections shall promulgate administrative regulations
7 establishing the criteria and procedures applicable to the administration of this
8 section as it pertains to correctional employees, including but not limited to defining
9 which employees qualify for coverage and which circumstances constitute death in
10 the line of duty.

11 (6) The Kentucky Board of Emergency Medical Services shall promulgate
12 administrative regulations establishing the criteria and procedures applicable to the
13 administration of this section as it pertains to emergency medical services
14 personnel, including but not limited to which employees or volunteers qualify for
15 coverage and which circumstances constitute death in the line of duty.

16 (7) The Department of Military Affairs shall promulgate administrative regulations
17 establishing the criteria and procedures applicable to the administration of this
18 section as it pertains to National Guard or Reserve component members, including
19 but not limited to defining which National Guard or Reserve component members
20 qualify for coverage and which circumstances constitute death in the line of duty.

21 (8) The estate of anyone whose spouse or surviving children would be eligible for
22 benefits under subsection (2) of this section, and the estate of any regular member
23 of the United States Armed Forces who names Kentucky as home of record for
24 military purposes whose death occurs as a direct result of an act in the line of duty,
25 shall be exempt from all probate fees, including but not limited to those established
26 by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or
27 imposed under KRS 24A.185, 64.012, and 172.180.

- 1 (9) The benefits payable under this section shall be in addition to any benefits now or
2 hereafter prescribed under any police, sheriff, constable, firefighter's, volunteer
3 firefighter's, emergency medical services personnel, or National Guard or Reserve
4 retirement or benefit fund established by the federal government or by any state,
5 county, or any municipality.
- 6 (10) Any funds appropriated for the purpose of paying the death benefits described in
7 subsection (2) of this section shall be allotted to a self-insuring account. These
8 funds shall not be used for the purpose of purchasing insurance.
- 9 (11) (a) For the purposes of this section, if a firefighter dies as a result of cancer, the
10 death shall be a direct result of an act in the line of duty if the firefighter:
- 11 1. Was a firefighter for at least five (5) consecutive years;
 - 12 2. Developed one (1) or more of the cancers listed in paragraph (b) of this
13 subsection which caused the firefighter's death within ten (10) years of
14 separation from service as a firefighter;
 - 15 3. Did not use tobacco products for a period of ten (10) years prior to the
16 diagnosis of cancer;
 - 17 4. Was under the age of sixty-five (65) at the time of death;
 - 18 5. Was not diagnosed with any cancer prior to employment as a firefighter;
19 and
 - 20 6. Was exposed while in the course of firefighting to a known carcinogen
21 as defined by the International Agency for Research on Cancer or the
22 National Toxicology Program, and the carcinogen is reasonably
23 associated with one (1) or more of the cancers listed in paragraph (b) of
24 this subsection.
- 25 (b) This section shall apply to the following cancers:
- 26 1. Bladder cancer;
 - 27 2. Brain cancer;

1 traffic and motor vehicle ordinances, on that residential private property.

2 (2) This section shall not permit a public police department, sheriff's office, constable's
3 office, or the Department of Kentucky State Police to enforce the private rules or
4 regulations of the residential property owner.

5 (3) This section shall not limit any peace officer from coming on residential private
6 property for the enforcement of the law, provided that the entry upon residential
7 private property is consistent with the provisions of the Constitution of the United
8 States, the Constitution of Kentucky, the Kentucky Revised Statutes, and applicable
9 court decisions.

10 ➔Section 7. KRS 64.190 is amended to read as follows:

11 Constables may collect ~~for the following services the following fees:~~

12 ~~Making arrests for violations involving a motor~~

13 — vehicle on the public highways\$0.50
14 Taking up a vagrant50
15 Killing a mad dog1.00
16 Killing and burying a distempered horse, ass or mule3.00
17 Killing and burying any other cattle, per head2.00
18 Altering a stud, jackass or bull1.00

19 ~~Any other services,] the same fees allowed sheriffs for similar services.~~

20 ➔Section 8. KRS 64.250 is amended to read as follows:

21 ~~{(1)}~~ Except for a county containing a consolidated local government, in counties
22 containing a population of over two hundred fifty thousand (250,000), each justice of the
23 peace shall be exclusively compensated for the performance of the duties of his office by
24 a salary to be determined by the fiscal court at a rate no less than nine thousand six
25 hundred dollars (\$9,600) per annum but no greater than twelve thousand dollars
26 (\$12,000) per annum, which shall be paid, in equal monthly installments, out of the
27 county treasury.

1 ~~[(2) The provisions of subsections (2), (3), and (4) of KRS 64.200 shall apply to justices~~
 2 ~~of the peace in counties containing a population of over two hundred fifty thousand~~
 3 ~~(250,000) except in a county containing a consolidated local government, the same~~
 4 ~~as to constables, and the recorder shall perform the same duties and functions in~~
 5 ~~regard to moneys collected by or for justices of the peace as they are required by~~
 6 ~~KRS 64.200 to perform in regard to moneys collected by or for constables.]~~

7 ➔Section 9. KRS 70.310 is amended to read as follows:

8 (1) Every constable shall execute bond in the ~~[minimum]~~ amount of ten thousand
 9 dollars (\$10,000), with good sureties approved by the fiscal court.

10 (2) The bond shall be recorded by the fiscal court with the county clerk, and the
 11 approval of the sureties shall be entered on the records of the fiscal court.

12 (3) The bond shall be renewed biennially, and more often if required by the fiscal
 13 court.~~[When additional security is required of the constable, he shall be given ten~~
 14 ~~(10) days' notice.]~~

15 ➔Section 10. KRS 70.320 is amended to read as follows:

16 (1) **The constable of a county with a population of fifty thousand (50,000) or more**
 17 **may appoint and have sworn in and entered on the county clerk order book**
 18 **either:**

19 **(a) A minimum of one (1) deputy constable for each twenty-five thousand**
 20 **(25,000) residents in the county; or**

21 **(b) Up to a maximum of ten (10) deputies, regardless of the population of the**
 22 **county, to assist him with general law enforcement and maintenance of**
 23 **public order.**~~[As used in this section:~~

24 ~~(a) "Authorized county" means a county containing either an eligible city or a~~
 25 ~~consolidated local government; and~~

26 ~~(b) "Eligible city" means a city on the registry maintained by the Department for~~
 27 ~~Local Government under subsection (5) of this section.]~~

- 1 (2) The appointment of deputy constables shall be allowed only in counties meeting
 2 the criteria of subsection (1) of this section~~[authorized]~~ counties. ~~[In authorized~~
 3 ~~counties, each constable may appoint one (1) or more deputies with the consent of~~
 4 ~~the county judge/executive or the mayor, in a consolidated local government, as the~~
 5 ~~case may be.]~~The constable and his or her surety are liable on his or her bond for
 6 all the acts and omissions of his or her deputies.
- 7 (3) Deputy constables may be removed at any time for any cause deemed sufficient by
 8 the constable by order of the county judge/executive or the mayor in a consolidated
 9 local government, as the case may be, entered after filing of a written direction by
 10 the constable.
- 11 (4) Each deputy constable ~~[in counties containing a consolidated local government or~~
 12 ~~city of the first class]~~shall be compensated for his or her services by salary fixed by
 13 the constable out of the fees collected from services provided by the constable and
 14 his or her office~~[consolidated local government or fiscal court, and paid out of the~~
 15 ~~levy of the consolidated local government or county].~~
- 16 (5) Each deputy constable shall maintain certification under Section 3 of this Act.
 17 This certification shall be obtained within one (1) year of the date of appointment
 18 and shall be maintained for each year thereafter.
- 19 **(6)** On or before January 1, 2015, the Department for Local Government shall create
 20 and maintain a registry of cities that, as of August 1, 2014, were classified as cities
 21 of the first or second classes. The Department for Local Government shall make the
 22 information included on the registry available to the public by publishing it on its
 23 Web site.
- 24 ➔Section 11. KRS 189.910 is amended to read as follows:
- 25 (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used
 26 for emergency purposes by:
- 27 (a) The Department of Kentucky State Police;

- 1 (b) A public police department;
- 2 (c) The Department of Corrections;
- 3 (d) A sheriff's office;
- 4 (e) A rescue squad;
- 5 (f) An emergency management agency if it is a publicly owned vehicle;
- 6 (g) An ambulance service, mobile integrated healthcare program, or medical first
7 response provider licensed by the Kentucky Board of Emergency Medical
8 Services, for any vehicle used to respond to emergencies or to transport a
9 patient with a critical medical condition;
- 10 (h) Any vehicle commandeered by a police officer;
- 11 (i) Any vehicle with the emergency lights required under KRS 189.920 used by a
12 paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid
13 or local emergency management director while responding to an emergency or
14 to a location where an emergency vehicle is on emergency call;
- 15 (j) An elected coroner granted permission to equip a publicly or privately owned
16 motor vehicle with lights and siren pursuant to KRS 189.920;
- 17 (k) A deputy coroner granted permission to equip a publicly or privately owned
18 motor vehicle with lights and siren pursuant to KRS 189.920; ~~for~~
- 19 (l) A conservation officer of the Kentucky Department of Fish and Wildlife
20 Resources; or
- 21 (m) A certified constable or deputy constable.
- 22 (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility
23 repair vehicle; wreckers; state, county, or municipal service vehicles and
24 equipment; highway equipment which performs work that requires stopping and
25 standing or moving at slow speeds within the traveled portions of highways; and
26 vehicles which are escorting wide-load or slow-moving trailers or trucks.

27 ➔Section 12. KRS 189.920 is amended to read as follows:

- 1 (1) All fire department, rescue squad, or publicly owned emergency management
2 agency emergency vehicles and all ambulances shall be equipped with one (1) or
3 more flashing, rotating, or oscillating red lights, visible under normal atmospheric
4 conditions from a distance of five hundred (500) feet to the front of the vehicle, and
5 a siren, whistle, or bell, capable of emitting a sound audible under normal
6 conditions from a distance of not less than five hundred (500) feet. This equipment
7 shall be in addition to any other equipment required by the motor vehicle laws.
- 8 (2) All state, county, or municipal police vehicles, ~~and~~ all sheriffs' **vehicles and all**
9 **certified constables' or deputy constables'** vehicles used as emergency vehicles
10 shall be equipped with one (1) or more flashing, rotating, or oscillating blue lights,
11 visible under normal atmospheric conditions from a distance of five hundred (500)
12 feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a
13 sound audible under normal conditions from a distance of not less than five hundred
14 (500) feet. This equipment shall be in addition to any other equipment required by
15 the motor vehicle laws.
- 16 (3) By ordinance, the governing body of any city or county may direct that the police~~f~~
17 ~~or~~ sheriffs' **or constables'** vehicles in that jurisdiction be equipped with a
18 combination of red and blue flashing, rotating, or oscillating lights.
- 19 (4) All public safety vehicles shall be equipped with one (1) or more flashing, rotating,
20 or oscillating yellow lights, visible under normal atmospheric conditions from a
21 distance of five hundred (500) feet to the front of the vehicle. Yellow flashing,
22 rotating, or oscillating lights may also be used by vehicles operated by mail carriers
23 while on duty, funeral escort vehicles, and church buses.
- 24 (5) All Department of Corrections vehicles used as emergency vehicles shall be
25 equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible
26 under normal atmospheric conditions from a distance of five hundred (500) feet to
27 the front of the vehicle. The Department of Corrections vehicles shall not be

1 equipped with or use a siren, whistle, or bell. The equipment prescribed by this
2 subsection shall be in addition to any other equipment required by motor vehicle
3 laws.

4 (6) (a) If authorized by the legislative body of a county, urban-county, charter county,
5 consolidated local government, or unified local government:

6 1. All publicly owned county jail and regional jail vehicles used as
7 emergency vehicles may be equipped with the one (1) or more flashing,
8 rotating, or oscillating blue lights, visible under normal atmospheric
9 conditions from a distance of five hundred (500) feet to the front of the
10 vehicle; and

11 2. An elected jailer or the chief administrator of a county or regional jail
12 not managed by an elected jailer may equip one (1) personally owned
13 vehicle with one (1) or more flashing, rotating, or oscillating blue lights,
14 visible under normal atmospheric conditions from a distance of five
15 hundred (500) feet to the front of the vehicle.

16 (b) Publicly owned county jail or regional jail vehicles shall not be equipped with
17 or use a siren, whistle, or bell.

18 (c) The equipment prescribed by this subsection shall be in addition to any other
19 equipment required by the motor vehicle laws.

20 (7) Red flashing lights may be used by school buses.

21 (8) No emergency vehicle, public safety vehicle, or any other vehicle covered by KRS
22 189.910 to 189.950 shall use any light of any other color than those specified by
23 KRS 189.910 to 189.950. Sirens, whistles, and bells may not be used by vehicles
24 other than those specified by KRS 189.910 to 189.950, except that any vehicle may
25 be equipped with a theft alarm signal device which is so arranged that it cannot be
26 used by the driver as an ordinary warning signal.

27 (9) Vehicles used as command posts at incidents may be equipped with and use when

1 on scene, a green rotating, oscillating, or flashing light. This light shall be in
2 addition to the lights and sirens required in this section.

3 (10) A personal vehicle used by a paid or volunteer firefighter, ambulance personnel, or
4 emergency services director who is responding to an emergency shall display the
5 lights required in subsection (1) of this section.

6 (11) An elected coroner may equip a publicly or privately owned motor vehicle, or both,
7 with flashing, rotating, or oscillating red and blue lights and a siren meeting the
8 requirements of this section solely for the purpose of responding to a report of the
9 death of a human being subject to the following terms and conditions:

10 (a) The coroner makes a written request to the legislative body of the county,
11 urban-county, charter county, consolidated local government, or unified local
12 government in which the coroner was elected to equip a publicly or privately
13 owned motor vehicle, or both, with flashing, rotating, or oscillating red and
14 blue lights and a siren meeting the requirements of this section, and that
15 request is approved by the legislative body by ordinance or by court order;

16 (b) The coroner may use the lights and siren only while responding to the scene of
17 the report of a death of a human being and shall not, KRS 189.940 to the
18 contrary notwithstanding, exceed the posted speed limit; and

19 (c) The permission granted pursuant to this section shall expire upon the coroner
20 leaving office or the legislative body revoking the authorization.

21 (12) A deputy coroner certified pursuant to KRS Chapter 72 may equip a publicly owned
22 or privately owned motor vehicle, or both, with flashing, rotating, or oscillating red
23 and blue lights and a siren meeting the requirements of this section solely for the
24 purpose of responding to a report of the death of a human being, subject to the
25 following terms and conditions:

26 (a) The deputy coroner has made a written request to the coroner to equip a
27 publicly owned or privately owned vehicle with flashing, rotating, or

1 oscillating red and blue lights meeting the requirements of this section and the
2 coroner has approved the request in writing;

3 (b) The coroner makes a written request to the legislative body of the county,
4 urban-county, charter county, consolidated local government, or unified local
5 government in which the coroner is elected to permit the deputy coroner to
6 equip a publicly owned motor vehicle or privately owned motor vehicle, or
7 both, and that request has been approved by the legislative body by ordinance
8 or by court order;

9 (c) The deputy coroner may use the lights and siren only while responding to the
10 scene of the report of the death of a human being and shall not, KRS 189.940
11 to the contrary notwithstanding, exceed the posted speed limit; and

12 (d) The permission granted pursuant to this section shall expire upon the coroner
13 leaving office or the legislative body revoking the authorization.

14 ➔Section 13. KRS 189.450 is amended to read as follows:

15 (1) No person shall stop a vehicle, leave it standing, or cause it to stop or to be left
16 standing upon any portion of the roadway; provided, however, that this section shall
17 not be construed to prevent parking in front of a private residence off the roadway
18 or street in a city or suburban area where such parking is otherwise permitted, as
19 long as the vehicle so parked does not impede the flow of traffic. This subsection
20 shall not apply to:

21 (a) A vehicle that has been disabled on the right-of-way of such a highway in
22 such a manner and to such extent that it is impossible to avoid the occupation
23 of the shoulder of a state-maintained highway or impracticable to remove it
24 from the shoulder of the highway until repairs have been made or sufficient
25 help obtained for its removal. In no event shall a disabled vehicle remain on
26 the shoulder of a state-maintained highway for twenty-four (24) hours or
27 more;

- 1 (b) Motor vehicles when required to stop in obedience to the provisions of any
2 section of the Kentucky Revised Statutes or any traffic ordinance, regulation,
3 or sign or the command of any peace officer;
- 4 (c) Vehicles operating as common carriers of passengers for hire and school buses
5 taking passengers on such vehicle or discharging passengers therefrom;
6 provided, that no such vehicle shall stop for such purposes at a place on the
7 highway which does not afford reasonable visibility to approaching motor
8 vehicles from both directions;
- 9 (d) Vehicles which are stopped for a period of not more than fifteen (15) minutes
10 at a time for the purpose of collecting and transporting solid waste as defined
11 in KRS 224.1-010(30)(a), and which are operated by a:
- 12 1. Collection service registered in accordance with KRS 224.43-315; or
 - 13 2. Person or organization actively participating in the Adopt-a-Highway
14 Program; or
- 15 (e) Any vehicle required to stop by reason of an obstruction to its progress.
- 16 (2) When any peace~~[police]~~ officer finds a vehicle standing upon such a highway in
17 violation of this section, he or she may move or cause to be moved the vehicle or
18 require the operator or other person in charge of the vehicle to move it. The
19 peace~~[police]~~ officer may cause the vehicle to be removed by ordering any person
20 engaged in the business of storing or towing motor vehicles to remove the vehicle to
21 a site chosen by such person. Ownership of the vehicle shall be determined by the
22 peace~~[police]~~ officer's enforcement agency through the vehicle's license plates,
23 serial number, or other means of determining ownership. As soon as practicable, the
24 peace~~[police]~~ officer's enforcement agency shall notify the owner by mail that the
25 vehicle was illegally upon public property; the name and address of the storage
26 facility where the vehicle is located; that removal of the vehicle from the storage
27 facility will involve payment of towing and storage charges; and that the vehicle

1 may be sold pursuant to the provisions of KRS 376.275 if not claimed within sixty
2 (60) days. No notification shall be required if ownership cannot be determined. In
3 the event of a sale pursuant to KRS 376.275, the state shall receive any proceeds
4 after the satisfaction of all liens placed on the vehicle.

5 (3) No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll
6 road, interstate highway, or other fully controlled access highway, including ramps
7 thereto, nor shall any vehicle registered at a gross weight of over forty-four
8 thousand (44,000) pounds be parked, stopped, or allowed to stand on the shoulders
9 of any state-maintained highway, except that, in the case of emergency or in
10 response to a peace officer's signal, vehicles shall be permitted to stop on the
11 shoulders to the right of the traveled way with all wheels and projecting parts of the
12 vehicles, including the load, completely clear of the traveled way. Parking of any
13 vehicle which is disabled on the shoulders of a toll road, interstate highway, other
14 fully controlled access highway, including ramps thereto, or any state-maintained
15 highway not mentioned in this section for twenty-four (24) hours continuously is
16 prohibited and vehicles violating this provision may be towed away at the cost of
17 the owner.

18 (4) When any peace~~[police]~~ officer finds a vehicle unattended upon any bridge or
19 causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the
20 officer may provide for the removal of the vehicle to the nearest garage or other
21 place of safety as provided in subsection (2) of this section.

22 (5) No person shall stop or park a vehicle except when necessary to avoid conflict with
23 other traffic or in compliance with the directions of a peace~~[police]~~ officer or traffic
24 control device, in the following places:

- 25 (a) On a sidewalk;
- 26 (b) In front of sidewalk ramps provided for persons with disabilities;
- 27 (c) In front of a public or private driveway;

- 1 (d) Within an intersection or on a crosswalk;
- 2 (e) At any place where official signs prohibit stopping or parking;
- 3 (f) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or
4 traffic control signal located at the side of a roadway;
- 5 (g) On any controlled access highway;
- 6 (h) Within a highway tunnel;
- 7 (i) Within fifteen (15) feet of a fire hydrant; or
- 8 (j) In an area between the roadways of a divided highway.
- 9 (6) No person shall move a vehicle not lawfully under his or her control into any such
10 prohibited area.
- 11 (7) The restrictions in subsection (5)(e) of this section shall not apply to sheriffs and
12 their deputies, constables and their deputies, or police officers when operating
13 properly identified vehicles during performance of their official duties.
- 14 ➔Section 14. KRS 189.950 is amended to read as follows:
- 15 (1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as
16 emergency vehicles, shall be equipped with, nor shall any person use upon a
17 vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm
18 signal device which shall be so arranged that it cannot be used as an ordinary
19 warning signal.
- 20 (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as
21 emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle
22 any red or blue flashing, revolving, or oscillating light or place a red light on the
23 front thereof. This subsection shall not apply to the use of red flashing lights on
24 school buses or to stop lights or turn signals at the rear of any motor vehicle.
- 25 (3) Except as otherwise provided for in this section, a person shall not illuminate a blue
26 light that is affixed to a motor vehicle while operating the motor vehicle on a
27 highway. This subsection shall not apply to:

- 1 (a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or
- 2 (b) Nonhalogen headlamps that have a slight blue tint and meet United States
- 3 Department of Transportation regulations.
- 4 (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public
- 5 safety vehicles, shall be equipped with, nor shall any person use upon any vehicle
- 6 any yellow flashing, revolving, or oscillating light. This subsection shall not apply
- 7 to the use of yellow lights for turn signals; or to emergency flasher lights for use
- 8 when warning the operators of other vehicles of the presence of a vehicular traffic
- 9 requiring the exercise of unusual care in approaching, overtaking, or passing; or to
- 10 vehicles operated by mail carriers while on duty; funeral escort vehicles and church
- 11 buses.
- 12 (5) Any person who is a regular or voluntary member of any fire department furnishing
- 13 fire protection for a political subdivision of the state or any person who is a regular
- 14 or voluntary member of a rescue squad may equip his vehicle with red flashing,
- 15 rotating, or oscillating lights and a siren, bell, or exhaust whistle if he or she has
- 16 first been given permission, in writing, to do so by the chief of the fire department
- 17 or rescue squad. He or she may use such lights and equipment only while
- 18 proceeding to the scene of a fire or other emergency or to a location where another
- 19 emergency vehicle is on emergency call in the performance of his or her official
- 20 duties as a member of a fire department or rescue squad.
- 21 ~~(6) Any constable may, upon approval of the fiscal court in the county of jurisdiction,~~
- 22 ~~equip vehicles used by said officer as emergency vehicles with one (1) or more~~
- 23 ~~flashing, rotating or oscillating blue lights, visible under normal atmospheric~~
- 24 ~~condition from a distance of five hundred (500) feet to the front of such vehicle, and~~
- 25 ~~a siren, whistle or bell, capable of emitting a sound audible under normal conditions~~
- 26 ~~from a distance of not less than five hundred (500) feet. This equipment shall be in~~
- 27 ~~addition to any other equipment required by the motor vehicle laws. Any constable~~

1 ~~authorized by the fiscal court to utilize blue lights and a siren pursuant to this~~
2 ~~section shall maintain at least the insurance described by KRS 304.39-110.~~

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

11 ➔Section 15. KRS 431.005 is amended to read as follows:

12 (1) A peace officer may make an arrest:

- 13 (a) In obedience to a warrant; or
14 (b) Without a warrant when a felony is committed in his or her presence; or
15 (c) Without a warrant when he or she has probable cause to believe that the
16 person being arrested has committed a felony; or
17 (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been
18 committed in his or her presence; or
19 (e) Without a warrant when a violation of KRS 189.290, 189.393, 189.520,
20 189.580, 511.080, or 525.070 has been committed in his or her presence,
21 except that a violation of KRS 189A.010 or KRS 281A.210 need not be
22 committed in his or her presence in order to make an arrest without a warrant
23 if the officer has probable cause to believe that the person being arrested has
24 violated KRS 189A.010 or KRS 281A.210;
25 (f) Without a warrant when a violation of KRS 508.030 has occurred in a hospital
26 without the officer's presence if the officer has probable cause to believe that
27 the person being arrested has violated KRS 508.030. As used in this

- 1 paragraph, "hospital" includes any property owned or used by a hospital as a
2 parking lot or parking garage; or
- 3 (g) Without a warrant when a violation of KRS 235.240(2) has occurred causing
4 an accident, occurring outside of the peace officer's presence, involving a
5 motorboat or vessel on the waters of the Commonwealth, and resulting in a
6 physical injury or property damage, and a commissioned peace officer has
7 probable cause to determine who the operator of the motorboat or vessel was
8 and that operator was intoxicated or under the influence of any substance that
9 impairs one's ability to operate the motorboat or vessel at the time of the
10 accident.
- 11 (2) (a) Any peace officer may arrest a person without warrant when the peace officer
12 has probable cause to believe that the person has intentionally or wantonly
13 caused physical injury to a family member, member of an unmarried couple,
14 or another person with whom the person was or is in a dating relationship.
- 15 (b) As used in this subsection, "dating relationship," "family member," and
16 "member of an unmarried couple" have the same meanings as defined in KRS
17 403.720 and 456.010.
- 18 (c) For the purpose of this subsection, the term "member of an unmarried couple"
19 has the same meaning as set out in KRS 403.720.
- 20 (3) A peace officer may arrest a person without a warrant when the peace officer has
21 probable cause to believe that the person is a sexual offender who has failed to
22 comply with the Kentucky Sex Offender Registry requirements based upon
23 information received from the Law Information Network of Kentucky.
- 24 (4) For purposes of subsections (2) and (3) of this section, a "peace officer" is an officer
25 certified pursuant to KRS 15.380 or a constable or deputy constable certified in
26 accordance with Section 3 of this Act.
- 27 (5) If a law enforcement officer has probable cause to believe that a person has violated

1 a condition of release imposed in accordance with KRS 431.064 and verifies that
2 the alleged violator has notice of the conditions, the officer shall, without a warrant,
3 arrest the alleged violator whether the violation was committed in or outside the
4 presence of the officer.

5 (6) A private person may make an arrest when a felony has been committed in fact and
6 he or she has probable cause to believe that the person being arrested has committed
7 it.

8 (7) If a law enforcement officer has probable cause to believe that a person has violated
9 a restraining order issued under KRS 508.155, then the officer shall, without a
10 warrant, arrest the alleged violator whether the violation was committed in or
11 outside the presence of the officer.

12 ➔Section 16. KRS 431.007 is amended to read as follows:

13 (1) A peace officer certified pursuant to KRS 15.380 to 15.404, who is directly
14 employed as a police officer by a Kentucky city, county, or urban-county
15 government and whose department meets the requirements of KRS 15.440 and a
16 sheriff, or deputy sheriff who has been certified pursuant to KRS 15.380 to 15.404,
17 **and a constable or deputy constable who has been certified pursuant to Section 3**
18 **of this Act,** who is officially requested by a law enforcement agency in another
19 county in Kentucky to assist in any matter within the jurisdiction of the requesting
20 agency shall possess, while responding to and for the duration of the matter for
21 which the request was made, the same powers of arrest in the requesting county as
22 he possesses in the county in which he **or she** is a police officer.

23 (2) The provisions of this section shall not:

- 24 (a) Authorize assistance in any labor dispute or strike;
25 (b) Authorize assistance by a **non-certified** constable or deputy constable;
26 (c) Authorize assistance by a special local peace officer; or
27 (d) Authorize assistance by a special deputy sheriff.

1 ➔Section 17. KRS 454.140 is amended to read as follows:

2 (1) Every process in an action or proceeding shall be directed to the sheriff ***or constable***
3 of the county; or, if he be a party, or be interested, to the coroner; or, if he ***or she*** be
4 interested, to the jailer~~;~~ ~~or, if all these officers be interested, to any constable~~.

5 (2) The summons or an order for a provisional remedy, in an action or proceeding, may,
6 at the request of the party in whose behalf it is issued, be directed to any of the
7 officers named in subsection (1) of this section who is not a party to nor interested
8 in the action.

9 ➔Section 18. The following KRS sections are repealed:

10 64.200 Constables in counties of over 250,000 population.

11 70.430 Constables in counties of 250,000 population -- Duties -- Monthly report.

12 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
13 READ AS FOLLOWS:

14 ***Sections 1 to 3 of this Act shall be known as the Benjamin Stidham Act.***