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	<u>or</u>
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	<u>(7)</u>	"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	REA	AD AS FOLLOWS:
8	<u>(1)</u>	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	<u>(2)</u>	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	<u>(3)</u>	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	<u>(4)</u>	The program, to the extent determined by the department, may be a combination
25		of in-person and online training.
26	<u>(5)</u>	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	<u>(6)</u>	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	<u>(7)</u>	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	<u>(8)</u>	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		<u>in KRS 237.140.</u>
15	<u>(9)</u>	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	<u>(10)</u>	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	<u>(11)</u>	The	department shall maintain records of the number of in-service training
2		<u>hour</u>	s completed by each constable or deputy constable in the Commonwealth.
3	<u>(12)</u>	Thos	e constables or deputy constables who fail to complete the requisite training
4		<u>unde</u>	er this section shall be designated as a non-certified constable.
5	<u>(13)</u>	The	association shall maintain on its Web site a list of all certified constables and
6		<u>certi</u>	fied deputy constables and a list of all non-certified constables and non-
7		<u>certi</u>	fied deputy constables.
8		→ Se	ection 4. KRS 17.190 is amended to read as follows:
9	(1)	For p	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, <i>certified constable or deputy constable</i> , 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.

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- (a) Upon a request from a public safety answering point or law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the wireless communications device of a wireless telecommunications user to the requesting public safety answering point or law enforcement agency, in order to respond to a call for emergency services or in an emergency situation that involves the imminent risk of death or serious physical injury.
- (b) Local emergency responders seeking call location information under this section shall direct inquiries to either a public safety answering point or a law enforcement agency, and the highest ranking person on duty at the public safety answering point or a law enforcement agency shall determine, in consultation with the emergency responders in the jurisdiction in which the emergency call or situation arose, whether the conditions under paragraph (a) 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

- 2. The Kentucky 911 Services Board, as created in KRS 65.7623, for dissemination to public safety answering points.
- 5 (b) The contact information required under this subsection shall be submitted annually, or immediately upon any change in contact information.
- 7 (6) All public safety answering points and law enforcement agencies shall develop and 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.
- **→** Section 5. KRS 61.315 is amended to read as follows:
- 12 (1) As used in this section:

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- (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff, constable, deputy constable, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, any school resource officer as defined in KRS 158.441, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, local board of education, or by the state;
- (b) "Firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a

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

- "Emergency medical services personnel" means any paid or volunteer (c) emergency medical services personnel who is certified or licensed pursuant to KRS Chapter 311A and who is employed directly by, or volunteering directly for, any:
- 1. County;
- 2. City;

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- 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 constable, corrections employee with the power of a peace officer pursuant to KRS 16 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 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

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

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

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

- (3) The Kentucky Fire Commission shall be authorized to promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this 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

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

- (5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in 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.
 - (7) The Department of Military Affairs shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to National Guard or Reserve component members, including but not limited to defining which National Guard or Reserve component members qualify for coverage and which circumstances constitute death in the line of duty.
 - (8) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

1	(9)	The	benef	its payable under this section shall be in addition to any benefits now or
2		herea	after	prescribed under any police, sheriff, constable, firefighter's, volunteer
3		firefi	ighter	s, emergency medical services personnel, or National Guard or Reserve
4		retire	ement	or benefit fund established by the federal government or by any state,
5		coun	ity, or	any municipality.
6	(10)	Any	funds	s appropriated for the purpose of paying the death benefits described in
7		subs	ection	(2) of this section shall be allotted to a self-insuring account. These
8		fund	s shal	l 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			deatl	n 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;

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Brain cancer;

1			3.	Colon cancer;
2			4.	Non-Hodgkin's lymphoma;
3			5.	Kidney cancer;
4			6.	Liver cancer;
5			7.	Lymphatic or haematopoietic cancer;
6			8.	Prostate cancer;
7			9.	Testicular cancer;
8			10.	Skin cancer;
9			11.	Cervical cancer; and
10			12.	Breast cancer.
11		(c)	1.	The provisions of this subsection creating an entitlement to the line of
12				duty death benefits shall apply exclusively to this section and shall no
13				be interpreted or otherwise construed to create either an express or
14				implied presumption of work-relatedness for any type of claim filed
15				pursuant to KRS Chapter 342.
16			2.	This paragraph is intended to provide clarification regarding the sole and
17				exclusive application of this subsection to only the benefits available
18				under this section and shall not be used as a bar or other type of
19				limitation to impair or alter the rights and ability of a claimant to prove
20				work-relatedness under KRS Chapter 342 or other laws.
21		→ Se	ection	6. KRS 61.362 is amended to read as follows:
22	(1)	Any	publi	c police department, sheriff's office, constable's office, or the Department
23		of K	entuc	ky State Police may, upon written agreement with a residential property
24		own	er or a	a residential property owners' association, patrol the roadways and parking
25		lots	of pri	ivate residential communities within the jurisdiction of the public police

department, sheriff's office, or the Department of Kentucky State Police and enforce

the traffic and motor vehicle laws of the Commonwealth of Kentucky and local

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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, <i>constable's</i>
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
14	Taking up a vagrant
15	Killing a mad dog
16	Killing and burying a distempered horse, ass or mule
17	Killing and burying any other cattle, per head
18	Altering a stud, jackass or bull
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.

 $\begin{array}{c} \text{Page 12 of 27} \\ \text{XXXX} \end{array}$

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 <i>counties meeting</i>
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		ease 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		eity 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	<u>(6)</u>	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; [or]
19		(l)	A conservation officer of the Kentucky Department of Fish and Wildlife
20			Resources <u>; or</u>
21		<u>(m)</u>	A certified constable or deputy constable.
22	(2)	As ι	used in KRS 189.920 to 189.950, "public safety vehicle" means public utility
23		repa	ir vehicle; wreckers; state, county, or municipal service vehicles and
24		equi	pment; highway equipment which performs work that requires stopping and
25		stan	ding or moving at slow speeds within the traveled portions of highways; and
26		vehi	cles which are escorting wide-load or slow-moving trailers or trucks.

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

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(1) All fire department, rescue squad, or publicly owned emergency management agency emergency vehicles and all ambulances shall be equipped with one (1) or more flashing, rotating, or oscillating red lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.

- All state, county, or municipal police vehicles, [and] all sheriffs' vehicles and all certified constables' or deputy constables' vehicles used as emergency vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.
- 16 (3) By ordinance, the governing body of any city or county may direct that the police 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.
- All Department of Corrections vehicles used as emergency vehicles shall be (5) equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to 26 the front of the vehicle. The Department of Corrections vehicles shall not be

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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, consolidated local government, or unified local government:
 - 1. All publicly owned county jail and regional jail vehicles used as emergency vehicles may be equipped with the one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle; and
 - 2. An elected jailer or the chief administrator of a county or regional jail not managed by an elected jailer may equip one (1) personally owned vehicle with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle.
 - (b) Publicly owned county jail or regional jail vehicles shall not be equipped with or use a siren, whistle, or bell.
 - (c) The equipment prescribed by this subsection shall be in addition to any other equipment required by the motor vehicle laws.
- 20 (7) Red flashing lights may be used by school buses.

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- No emergency vehicle, public safety vehicle, or any other vehicle covered by KRS 189.910 to 189.950 shall use any light of any other color than those specified by KRS 189.910 to 189.950. Sirens, whistles, and bells may not be used by vehicles other than those specified by KRS 189.910 to 189.950, except that any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be 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

 $\begin{array}{c} \text{Page 17 of 27} \\ \text{XXXX} \end{array}$

on scene, a green rotating, oscillating, or flashing light. This light shall be in 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:

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- (a) The coroner makes a written request to the legislative body of the county, urban-county, charter county, consolidated local government, or unified local government in which the coroner was elected to equip a publicly or privately owned motor vehicle, or both, with flashing, rotating, or oscillating red and blue lights and a siren meeting the requirements of this section, and that request is approved by the legislative body by ordinance or by court order;
- (b) The coroner may use the lights and siren only while responding to the scene of the report of a death of a human being and shall not, KRS 189.940 to the contrary notwithstanding, exceed the posted speed limit; and
- (c) The permission granted pursuant to this section shall expire upon the coroner leaving office or the legislative body revoking the authorization.
- (12) A deputy coroner certified pursuant to KRS Chapter 72 may equip a publicly owned or privately owned motor vehicle, or both, with flashing, rotating, or oscillating red and blue lights and a siren meeting the requirements of this section solely for the purpose of responding to a report of the death of a human being, subject to the following terms and conditions:
- (a) The deputy coroner has made a written request to the coroner to equip a publicly owned or privately owned vehicle with flashing, rotating, or

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

- The coroner makes a written request to the legislative body of the county, urban-county, charter county, consolidated local government, or unified local government in which the coroner is elected to permit the deputy coroner to equip a publicly owned motor vehicle or privately owned motor vehicle, or both, and that request has been approved by the legislative body by ordinance or by court order;
- (c) The deputy coroner may use the lights and siren only while responding to the scene of the report of the death of a human being and shall not, KRS 189.940 to the contrary notwithstanding, exceed the posted speed limit; and
- (d) The permission granted pursuant to this section shall expire upon the coroner leaving office or the legislative body revoking the authorization.
- → Section 13. KRS 189.450 is amended to read as follows:
- (1) No person shall stop a vehicle, leave it standing, or cause it to stop or to be left standing upon any portion of the roadway; provided, however, that this section shall not be construed to prevent parking in front of a private residence off the roadway or street in a city or suburban area where such parking is otherwise permitted, as long as the vehicle so parked does not impede the flow of traffic. This subsection shall not apply to:
 - (a) A vehicle that has been disabled on the right-of-way of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the shoulder of a state-maintained highway or impracticable to remove it from the shoulder of the highway until repairs have been made or sufficient help obtained for its removal. In no event shall a disabled vehicle remain on the shoulder of a state-maintained highway for twenty-four (24) hours or more;

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(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation, or sign or the command of any peace officer;

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

 $\begin{array}{c} \text{Page 20 of 27} \\ \text{XXXX} \end{array}$

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

- No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, nor shall any vehicle registered at a gross weight of over forty-four thousand (44,000) pounds be parked, stopped, or allowed to stand on the shoulders of any state-maintained highway, except that, in the case of emergency or in response to a peace officer's signal, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of the vehicles, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, other fully controlled access highway, including ramps thereto, or any state-maintained highway not mentioned in this section for twenty-four (24) hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.
- When any <u>peace[police]</u> officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other 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 other traffic or in compliance with the directions of a *peace*[police] officer or traffic control device, in the following places:
- 25 (a) On a sidewalk;

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- 26 (b) In front of sidewalk ramps provided for persons with disabilities;
- (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;
- Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or 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 <u>or her</u> control into any such prohibited area.
- 11 (7) The restrictions in subsection (5)(e) of this section shall not apply to sheriffs and
- their deputies, constables and their deputies, or police officers when operating
- properly identified vehicles during performance of their official duties.
- → 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
- emergency vehicles, shall be equipped with, nor shall any person use upon a
- vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm
- signal device which shall be so arranged that it cannot be used as an ordinary
- warning signal.
- 20 (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as
- emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle
- any red or blue flashing, revolving, or oscillating light or place a red light on the
- front thereof. This subsection shall not apply to the use of red flashing lights on
- 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
- light that is affixed to a motor vehicle while operating the motor vehicle on a
- 27 highway. This subsection shall not apply to:

(a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or

(b) Nonhalogen headlamps that have a slight blue tint and meet United States

Department of Transportation regulations.

- (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public safety vehicles, shall be equipped with, nor shall any person use upon any vehicle any yellow flashing, revolving, or oscillating light. This subsection shall not apply to the use of yellow lights for turn signals; or to emergency flasher lights for use when warning the operators of other vehicles of the presence of a vehicular traffic requiring the exercise of unusual care in approaching, overtaking, or passing; or to vehicles operated by mail carriers while on duty; funeral escort vehicles and church buses.
- (5) Any person who is a regular or voluntary member of any fire department furnishing fire protection for a political subdivision of the state or any person who is a regular or voluntary member of a rescue squad may equip his vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he <u>or she</u> has first been given permission, in writing, to do so by the chief of the fire department or rescue squad. He <u>or she</u> may use such lights and equipment only while proceeding to the scene of a fire or other emergency or to a location where another emergency vehicle is on emergency call in the performance of his <u>or her</u> official duties as a member of a fire department or rescue squad.
- (6)[—Any constable may, upon approval of the fiscal court in the county of jurisdiction, equip vehicles used by said officer as emergency vehicles with one (1) or more flashing, rotating or oscillating blue lights, visible under normal atmospheric condition from a distance of five hundred (500) feet to the front of such vehicle, and a siren, whistle or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any constable

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1		auth	orized by the fiscal court to utilize blue lights and a siren pursuant to this
2		secti	on 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		eme	rgency medical services for a political subdivision of the state may equip his
5		vehi	cle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust
6		whis	stle if he <u>or she</u> has first been given permission, in writing, to do so by the chief
7		or d	irector of the ambulance service. He <u>or she</u> may use such lights and equipment
8		only	while proceeding to the scene of an emergency, a medical facility, or to a
9		loca	tion where another emergency vehicle is on emergency call in the performance
10		of hi	is <u>or her</u> official duties as a member of the ambulance service.
11		→ S	ection 15. KRS 431.005 is amended to read as follows:
12	(1)	A pe	eace 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

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- (g) Without a warrant when a violation of KRS 235.240(2) has occurred causing an accident, occurring outside of the peace officer's presence, involving a motorboat or vessel on the waters of the Commonwealth, and resulting in a physical injury or property damage, and a commissioned peace officer has probable cause to determine who the operator of the motorboat or vessel was and that operator was intoxicated or under the influence of any substance that impairs one's ability to operate the motorboat or vessel at the time of the 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.
 - (b) As used in this subsection, "dating relationship," "family member," and "member of an unmarried couple" have the same meanings as defined in KRS 403.720 and 456.010.
 - (c) For the purpose of this subsection, the term "member of an unmarried couple" 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

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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.

- A private person may make an arrest when a felony has been committed in fact and he or she has probable cause to believe that the person being arrested has committed 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.
- → Section 16. KRS 431.007 is amended to read as follows:
- 13 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.

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- 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*
- of the county; or, if he be a party, or be interested, to the coroner; or, if he *or she* be
- 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,
- 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.
- 70.430 Constables in counties of 250,000 population -- Duties -- Monthly report.
- → 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.