

**238.510 Department of Charitable Gaming -- Commissioner -- Conflicts of interest of staff -- Charitable gaming investigators.**

- (1) The Department of Charitable Gaming is created as a department within the Public Protection Cabinet. The department shall license and regulate the conduct of charitable gaming and license and regulate charitable organizations that desire to engage in charitable gaming, charitable gaming facilities, manufacturers, and distributors in the Commonwealth of Kentucky in accordance with the provisions of this chapter.
- (2) The department shall be headed by a commissioner who shall be appointed by the Governor. The commissioner shall employ staff as may be necessary to administer and enforce the provisions of this chapter.
- (3) All department staff shall be classified and employed in accordance with applicable personnel requirements of the Personnel Cabinet in accordance with KRS Chapter 18A.
- (4) No employee of the department during his or her term of employment shall be an officer in a charitable organization that is licensed to conduct charitable gaming or be involved in the conduct of charitable gaming as a member of a licensed charitable organization. No employee of the department during his or her term of employment shall be licensed as a manufacturer, distributor, or charitable gaming facility, or have a financial interest in any business that is licensed as a manufacturer, distributor, or charitable gaming facility.
- (5) The commissioner shall appoint charitable gaming investigators who shall have the powers of peace officers throughout the Commonwealth; however, those powers shall be limited to:
  - (a) Enforcement of the provisions of KRS Chapter 238, relating to charitable gaming;
  - (b) Violations of KRS Chapter 528, relating to:
    1. Unlicensed and illegal charitable gaming;
    2. Gambling offenses committed on licensed charitable gaming premises; and
    3. Gambling offenses committed in conjunction with charitable gaming;
  - (c) Violations of KRS Chapter 514, relating to theft, embezzlement, or other illegal diversions of charitable gaming proceeds;
  - (d) Violations of KRS Chapters 516 and 517, relating to forgery and fraud in the conduct of charitable gaming;
  - (e) Violations relating to the damage or destruction of real or personal property owned or leased by a charitable gaming licensee; and
  - (f) Violation of any criminal felony offense committed:
    1. On licensed charitable gaming premises; and
    2. In the presence of a charitable gaming investigator.
- (6) Charitable gaming investigators shall satisfy the certification standards established by the Department of Criminal Justice Training pursuant to KRS Chapter 15. The commissioner may possess peace officer powers granted under subsection (5) of this section, if he or she is duly qualified. Charitable

gaming investigators shall not qualify for hazardous duty coverage under the Kentucky Employees Retirement System.

- (7) Charitable gaming investigators so appointed shall not possess peace officer powers other than those provided in subsection (5) of this section.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 534, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 374, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 154, sec. 87, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 331, sec. 3, effective April 10, 1996. -- Created 1994 Ky. Acts ch. 66, sec. 3, effective March 16, 1994.