

70.430 Constable duties -- Monthly report. (Effective January 1, 2023)

- (1) Constables on or before the tenth day of each calendar month shall make a report concerning the performance of the duties of office by himself or herself and his or her deputies, if deputies have been authorized under KRS 70.320, during the next preceding calendar month. The reports shall be made:
 - (a) To the county clerk in counties containing an urban-county government or a consolidated local government; or
 - (b) To the county fiscal court in all other counties.
- (2) The reports required under subsection (1) of this section shall be in the form and include any information required by the office to which the report is to be submitted under subsection (1) of this section, but shall at a minimum contain:
 - (a) A statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed;
 - (b) A statement showing the amount of any fee or fees collected on each civil service of process;
 - (c) If the constable is qualified and is authorized to execute warrants in criminal matters or otherwise exercise the powers of a peace officer under KRS 70.325, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his or her deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his or her deputies for execution, noting the name and address of the person obtaining each warrant; the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his or her deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his or her deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned and unexecuted, and not returned, and not executed; and
 - (d) Under the heading of other matters, a complete and detailed report upon each and all other acts of the constable and his or her deputies performed under authority, or under color of authority, of office.
- (3) Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his or her deputies beyond his or her presence shall be deemed to be sworn to upon information and belief. Upon request, attested copies of the reports shall be promptly delivered to the county judge/executive, the mayor of an urban-county government or consolidated local government, the county attorney, or the attorney for the Commonwealth.

- (4) (a) 1. In consideration of the collection and administration of the reports required to be submitted to fiscal courts under subsection (1)(b) of this section, the fiscal court or legislative body of any county greater than seventy thousand (70,000) shall be entitled to collect a fee in a sum equal to twenty-five percent (25%) of the total receipts reported each calendar month that were actually collected by the reporting constable. The administrative fee required by this subsection shall be submitted by the constable at the same time as the report required by subsections (1) and (2) of this section.
2. In counties of seventy thousand (70,000) or less, the reports required to be submitted to fiscal courts under subsection (1)(b) of this section shall be sufficient.
- (b) If an urban-county government or a consolidated local government elects by ordinance, the county clerk receiving reports under subsection (1)(a) of this section shall be entitled to collect the administrative fee provided in paragraph (a) of this subsection. If authorized, any fees collected by a county clerk under this subsection may be shared evenly between the county clerk and the county government, as provided in the ordinance.

Effective: January 1, 2023

History: Amended 2022 Ky. Acts ch. 90, sec. 15, effective January 1, 2023. -- Amended 1978 Ky. Acts ch. 384, sec. 163, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 56, effective January 1, 1978; and ch. 20, sec. 6, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1083a-9.