

**304.47-040 Division of Insurance Fraud Investigation -- Special investigators --
Resisting arrest or interfering with investigation.**

- (1) There is created within the Department of Insurance a Division of Insurance Fraud Investigation.
- (2)
 - (a) The commissioner shall appoint qualified persons to serve as special investigators for the Division of Insurance Fraud Investigation who shall have general police powers including the power to arrest, and they shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, and their jurisdiction shall be coextensive with the state.
 - (b) The division staff also shall include, at a minimum, three (3) special investigators, one (1) attorney, and one (1) administrative assistant. The positions authorized by this paragraph shall be in addition to the staff employed by the division as of December 12, 1996.
- (3) The special investigator may:
 - (a) Administer oaths and affirmations;
 - (b) Order the attendance of witnesses or proffering of information and documentation;
 - (c) Collect evidence; and
 - (d) Make arrests for criminal violations established as a result of its investigations. The general laws applicable to arrests by sheriffs of the Commonwealth shall also be applicable to special investigators, who may:
 1. Execute arrest warrants and search warrants for the criminal violations revealed as a result of their investigations;
 2. Serve subpoenas issued for the examination, investigation, and trial of all offenses determined by their investigations; and
 3. Arrest upon probable cause without warrant any person found in the act of violating any of the provisions of applicable laws.
- (4) The division may implement its powers if, based upon its own inquiries or as a result of information received, it has reason to believe that a person has engaged in, is engaging in, or is about to engage in a fraudulent insurance act.
- (5) If the information the division seeks to obtain is located outside the state, the person so requested may make it available to the division or its representative to examine at the place where it is located. The division may designate representatives, including officials of the state in which the matter is located, to inspect the information on the division's behalf, and it may respond to similar requests from officials of other states.
- (6) It shall be unlawful for any person to resist an arrest authorized by this subtitle or in any manner to interfere, either by abetting or assisting this resistance or otherwise interfering, with special investigators employed by the commissioner under this subtitle in the duties imposed upon them by law, and shall be punishable as provided in KRS 520.090.

- (7) The commissioner may obtain any evidence for use in criminal investigations according to KRS 304.2-340.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1585, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 253, sec. 5, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 213, sec. 8, effective July 15, 1998. -- Amended 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 37, effective December 12, 1996. -- Created 1994 Ky. Acts ch. 496, sec. 20, effective July 15, 1994.