



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Kentucky Fact Sheet

Obstructing Government Operations

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Kentucky's relevant law.

Kentucky Revised Statutes, §519-020 Obstructing Government Operations

(1) A person is guilty of obstructing governmental operations when he intentionally obstructs, impairs or hinders the performance of a governmental function by using or threatening to use violence, force or physical interference.

(2) This section shall not apply to:

- (a) Any means of avoiding compliance with the law without affirmative interference with governmental functions; or
- (b) The obstruction, impairment or hindrance of unlawful action by a public servant; or
- (c) The obstruction, impairment or hindrance of an arrest.

(3) Obstructing governmental operations is a Class A misdemeanor.

Relevant Definitions

Kentucky Revised Statutes, §519-010

"Governmental function" means any activity which a public servant is legally authorized to undertake on behalf of the governmental unit which he serves.



“Public servant” means:

- (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state;
- (b) Any person exercising the functions of any such public officer or employee;
- (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or
- (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position.

Penalties

Kentucky Revised Statutes, §534-040

Up to 1 year imprisonment and/or up to a \$500 fine

Summary

A person is guilty of obstructing government operations when they use or threaten to use violence, force, or physical interference to obstruct, impair, or hinder the performance of a government function by a public servant. If convicted, that person faces up to 1 year imprisonment and a fine of up to \$500. “Public servant” includes any employee or public officer of state or local government, any person exercising the functions of a public officer or employee or acting as an advisor or consultant, and any person elected or appointed to become a public servant though not yet serving in that capacity.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Kentucky Revised Statutes, §519-020 protects public servants and the obstruction of government operations. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Kentucky Secretary of Health, threatening his life if he enforced a mask mandate.] *This may constitute a violation of §519-020. If convicted, you face up to 1 year imprisonment and a fine of up to \$500.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*