

452.230 Removal from county in state of lawlessness.

- (1) Whenever any Circuit Judge is satisfied from his own knowledge and from the written statement of the Commonwealth's attorney of that judicial circuit that such a state of lawlessness exists in any county of his judicial circuit or that such a high state of excitement or feeling of prejudice exists therein against the defendant that there is apparent danger of mob violence in which loss of life or destruction of property may occur unlawfully, and that a trial in the county cannot be fairly and impartially had, or that the officers of the court may be prevented from discharging their duty or the jurors intimidated or deterred from fairly and impartially rendering a verdict in the case, he may order the action removed to some other county in which a fair trial can be had. The fiscal court of the county from which the removal is made shall pay out of the county treasury the costs of the removal.
- (2) A change of venue also may be had on motion of the defendant when the facts exist as set out in subsection (1). The motion may be made by counsel, and the presence of the defendant in court shall be deemed to be waived upon the filing of the written statement of his counsel as set forth in subsection (1) and the affidavit of the defendant, which affidavit shall state that the defendant is in danger of mob violence in the county and for that reason desires a change of venue to some other county, and that he thereby waives his presence on the hearing of the motion for a change of venue.

History: Amended 1976 Ky. Acts ch. 62, sec. 131. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1112.