

135.030 Issue of process and executions on judgments in favor of the state.

- (1) Each Circuit Court clerk shall, after the expiration of ten (10) days from the rendition of judgment in favor of the state, unless otherwise ordered by the court, issue proper process and place it in the hands of the sheriff on all such judgments that have not been paid or replevied in the office or remitted or respited by the Governor, and each such clerk shall, within ten (10) days after the maturity of each replevied bond on any such judgment entered in the court of which he is clerk, issue executions and place them in the hands of the sheriff. Upon an execution so issued upon any replevied bond being returned by the sheriff without making the money, the officer who issued it shall reissue executions and place them in the hands of the sheriff from time to time at least once every ten (10) months for a period of five (5) years, and as often thereafter as demanded by the Commonwealth's attorney, county attorney, sheriff or Circuit Court clerk. Upon all such judgments, executions or capias pro fine that are stayed or respited by the Governor, the clerk of the court in which the judgment has been entered shall issue proper process and place it in the hands of the sheriff within ten (10) days after the expiration of the stay or respite. A receipt shall be taken from the sheriff for all process placed in his hands pursuant to this section.
- (2) Upon the failure of any Circuit Court clerk to discharge his duties as required in this section, he shall be held responsible on his official bond for the amount of the judgment, interest and costs to which such failure is applicable.
- (3) Nothing in this section shall authorize the Governor to remit any judgment unless it is a fine imposed as a punishment.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 154, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 28, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4245.