

**431.240 Time of execution -- Governor to fix time in case of insanity, pregnancy, or escape -- Administrative hearings -- Transfer to forensic psychiatric facility in case of insanity.**

- (1) Unless the execution is stayed for any cause, the warden of the institution or his deputy shall proceed, on the day named in the judgment of conviction, a governor's warrant, or an order of the court, to cause the condemned person to be executed. The execution shall take place at a time designated by the warden of the institution where the execution is to take place on the day designated in the judgment of conviction, the governor's warrant, or an order of the court.
- (2) If the condemned person is insane, as defined in KRS 431.213 or pregnant with child on the day designated for the execution, the execution shall be suspended until the condemned is restored to sanity or is delivered of child. The execution shall then take place under the warrant of the Governor and at the time designated by him, unless stayed by due process of law. If execution is suspended on the ground of insanity, the commissioner of the Department of Corrections shall transfer the condemned person to the Kentucky Correctional Psychiatric Center until the time he is restored to sanity. Any administrative hearings authorized under authority of this section shall be conducted in accordance with KRS Chapter 13B.
- (3) If the condemned person escapes from custody and is recaptured after the expiration of the date fixed for the execution, the Governor, upon receiving written notice of the recapture from the warden of the institution, shall send his warrant of execution to the warden by special messenger and shall name therein the day of execution. The warden shall then proceed to the execution thereof according to the provisions of KRS 431.215 to 431.270.
- (4) When a judgment of death has not been executed on the day appointed therefor by the court, from any cause, the Governor, by a warrant under his hand and the seal of the Commonwealth, shall fix the day of the execution, which warrant shall be obeyed by the warden of the institution.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 220, sec. 2, effective March 31, 1998; and ch. 606, sec. 157, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 356, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 211, sec. 85, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 331, sec. 52, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 295, sec. 91, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 332, sec. 30. -- Amended 1962 Ky. Acts ch. 234, sec. 46. -- Amended 1944 Ky. Acts ch. 145, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1137-3, 1137-7, 1137-8.

**Legislative Research Commission Note (7/15/98).** This section was amended by 1998 Ky. Acts chs. 220 and 606 which do not appear to be in conflict and have been codified together.