

441.530 Manner of transfer -- Compensation of officers -- Computation of expenses.

- (1) As used in this section, "receiving jail" means a jail that has been ordered by the court to receive prisoners.
- (2)
 - (a) Immediately upon the receipt of a copy of an order made pursuant to KRS 441.520(2)(a), the sheriff, or if there is no sheriff, the coroner, shall transfer the prisoners to the receiving jail. He or she shall deliver the prisoners to the jailer of the receiving jail, with a copy of the order, and take from him or her a receipt for the prisoners, which he or she shall return to the office of the circuit clerk of the county from which the removal was made. The clerk shall file the receipt in his or her office.
 - (b) The receiving jail shall receive the prisoners and safely keep them until they are properly discharged. If the receiving jail's jailer fails to accept and keep such prisoners, that jailer and his or her sureties shall be liable in the same manner and to the same extent as if the prisoners had been regularly committed by an order of the Circuit Court of his or her county.
- (3)
 - (a) The sheriff conveying the prisoners to the receiving jail, and such guards as the judge directs him or her to take, not exceeding the number of guards allowed in taking convicts to the penitentiary, shall receive the compensation and mileage allowed by KRS 64.070 for taking convicts to the penitentiary. The compensation shall be allowed by the Circuit Judge directing the transfer and paid out of the State Treasury, unless there was no jail in the county or it was rendered insecure by the failure of the fiscal court to keep it in the requisite condition, in which case it shall be paid in accordance with paragraph (b) of this subsection. The Circuit Judge, in making the allowance, shall state in the order out of which fund it shall be paid. The order of the judge directing the transfer shall be conclusive evidence that the transfer was proper and to the right jail, and shall be a justification to the receiving jail's jailer for holding any such prisoner in any action against him or her for false imprisonment.
 - (b) If a transfer of prisoners is necessary because there is no jail in the county or because the jail was rendered insecure by the failure of the fiscal court to keep it in the requisite condition, the cost of lodging the prisoners in the receiving jail shall be borne by the fiscal court of the county from which the transfer was made at a rate set by agreement between the two (2) fiscal courts involved. If the fiscal courts are unable to reach an agreement, the Circuit Judge who ordered the transfer shall establish the rate based on prisoner and facility cost data provided by the receiving jail's jailer. The order of transfer shall state the reasons of the transfer.

Effective: April 24, 2020

History: Amended 2020 Ky. Acts ch. 109, sec. 2, effective April 24, 2020. -- Amended 1982 Ky. Acts ch. 385, sec. 41, effective July 1, 1982. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2440.

Formerly codified as KRS 441.040.