

95.460 Appeals to Circuit Court and Court of Appeals.

- (1) Any member of the police or fire department found guilty by the legislative body of any charge, as provided by KRS 95.450, may appeal to the Circuit Court of the county in which the city or urban-county government is located, but the enforcement of the judgment of the body shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the legislative body makes its determination on the charge.
- (2) Upon request of the accused, the clerk of the legislative body shall file a certified copy of the charges and the judgment of that body in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court. The Circuit Court review of the case shall be based solely upon the administrative record created before the legislative body and any new evidence offered by the member regarding alleged arbitrariness on the part of the legislative body.
- (3) If the clerk fails to certify the transcript to the Circuit Court within seven (7) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the legislative body, together with a statement that demand for transcript was made upon the clerk more than five (5) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed, and the Circuit Court may compel the filing of the transcript by the clerk by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.
- (4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 191, sec. 5, effective July 14, 2022. -- Amended 2014 Ky. Acts ch. 92, sec. 113, effective January 1, 2015. -- Amended 1982 Ky. Acts ch. 38, sec. 1, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 116, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 165, sec. 2. -- Amended 1974 Ky. Acts ch. 248, sec. 8. -- Amended 1970 Ky. Acts ch. 211, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3138-1, 3138-5, 3235dd-35, 3351a-2.