

1 AN ACT relating to designation of special judges and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 26A.020 is amended to read as follows:

4 (1) **(a)** When, from any cause, a judge of any Circuit or District Court fails to attend,  
5 or being in attendance cannot properly preside in an action pending in the  
6 court, or if a vacancy occurs or exists in the office of circuit or district judge,  
7 the circuit clerk shall at once certify the facts to the Chief Justice who shall  
8 immediately designate a regular or retired justice or judge of the Court of  
9 Justice as special judge.

10 **(b) 1.** If ~~any~~<sup>either</sup> party files with the circuit clerk his **or her** affidavit that  
11 the judge will not afford him **or her** a fair and impartial trial, or will not  
12 impartially decide an application for a change of venue, the circuit clerk  
13 shall at once certify the facts to the Chief Justice who shall immediately  
14 review the facts and determine whether to designate a regular or retired  
15 justice or judge of the Court of Justice as special judge.

16 **2. Any person may submit to the Attorney General his or her affidavit**  
17 **that the judge will not impartially decide a question of law or a**  
18 **constitutional challenge to a statute in a pending civil case or appeal.**  
19 **If the Attorney General determines that the affidavit is made in good**  
20 **faith and states a prima facie argument that the judge's impartiality**  
21 **might reasonably be questioned, the Attorney General shall redact any**  
22 **identifying information from the affidavit regarding the requestor and**  
23 **submit it to the Chief Justice. If the affidavit contains allegations of a**  
24 **defamatory nature, the Attorney General may submit the affidavit**  
25 **under seal. The Chief Justice shall promptly review the facts and**  
26 **determine whether to designate a regular or retired justice or judge of**  
27 **the Court of Justice as special judge.**

1        (c) Any special judge~~[-sø]~~ selected *under this subsection* shall have all the  
2                    powers and responsibilities of a regular judge of the court.

3        (2) A retired justice or judge serving as a special judge shall be compensated as  
4                    provided by KRS 21A.110.

5        ➔Section 2. Whereas litigants have a constitutional right to an impartial arbiter  
6                    and attorneys should not be deterred from zealously representing the best interests of  
7                    their clients by requesting the disqualification of a judge to ensure this right is protected,  
8                    and as the citizens of this Commonwealth have an interest in a judiciary whose  
9                    impartiality in specific cases should be above reproach, an emergency is declared to exist,  
10                   and this Act takes effect upon its passage and approval by the Governor or upon its  
11                   otherwise becoming a law.