

1 AN ACT relating to designation of special judges.

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~~^{either} 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.