

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.*

