

197.022 Personal attendance of state prisoner in civil action -- Transportation orders -- Payment of costs -- Participation of prisoner in action by alternative methods allowed.

- (1) Whenever a court finds the personal attendance of a state prisoner is necessary in a civil action and orders the Justice and Public Safety Cabinet or its agent or any law enforcement officer to transport a prisoner in connection with the civil action, the party requesting that the state prisoner be transported to the hearing shall pay the transportation cost, which shall include the estimated round trip cost, including the state mileage rate and the estimated associated salary cost of correctional staff.
- (2) The court shall cause all transportation orders to be delivered to the warden or jailer of the detention facility where the prisoner resides. As soon as practicable after the receipt of the order, the warden or jailer shall notify the prisoner and the court of the total transportation cost. If the payment is not received twenty-four (24) hours in advance of the scheduled hearing, no transportation shall be provided, irrespective of the order of the court commanding the Justice and Public Safety Cabinet or its agent or other law enforcement officer to transport a prisoner.
- (3) To the extent practicable, any action concerning a prisoner in which the court has determined that the prisoner's participation is required or permitted may be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.
- (4) The provisions of this section pertaining to payment of transportation costs shall not apply to parties who have been determined by the court to be indigent within the meaning of KRS Chapter 31 or other applicable law.
- (5) The Justice and Public Safety Cabinet shall promulgate an administrative regulation or regulations governing this process.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 139, sec. 9, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007). 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.