

**64.121 Salaries and other necessary expenses of sheriff and deputies to be paid on the sheriff's death or incapacity in counties with population less than 70,000 -- Applicability of KRS 64.368 if population decreases below 70,000.**

- (1) "Incapacity" means a condition under which a sheriff or his or her personal representative may apply to the Circuit or District Judge that presides over the sheriff's county for an order to determine that the sheriff is physically or mentally unable to discharge the duties of his or her office. The application to the Circuit or District Judge shall include and be supported by an affidavit by the sheriff's physician documenting the sheriff's incapacitating condition.
- (2) If a sheriff in a county containing a population of less than seventy thousand (70,000) dies or is incapacitated during his or her term of office, the fiscal court of that county shall on or before the first day of March of the year following the death or date of incapacity of the sheriff pay to the sheriff or to the personal representative of the sheriff sufficient money to reimburse the sheriff or his or her estate for the salaries of his deputies and assistants and other necessary expenses of his or her office that were paid by the sheriff during the year of his or her death or incapacity. Additionally, for each month that the sheriff or his or her personal representative performed the duties of sheriff during the year of his or her death or incapacity, the fiscal court shall pay to the sheriff or to the sheriff's personal representative a sum of money equal to one-twelfth (1/12) of the total salary received by the county's sheriff in the year prior to the year of the death or incapacity. The sheriff's salary and all fees and commissions paid to the sheriff during the year of his or her death or incapacity shall be deducted from the amount that the sheriff or his or her personal representative is to receive by this section.
- (3) If a county's population that equaled or exceeded seventy thousand (70,000) is less than seventy thousand (70,000) after the most recent federal decennial census, then the provisions of KRS 64.368 shall apply.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 71, sec. 10, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 164, sec. 1, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 220, sec. 3, effective January 1, 1994. -- Created 1964 Ky. Acts ch. 34, sec. 1.