

95.766 Action in Circuit Court.

- (1) Any member of the police or fire departments who shall be found guilty by the legislative body of any charge as hereinbefore provided, may bring an action in the Circuit Court of the county in which said city may be located to contest the action of that body.
- (2) Upon the request of the party accused, the clerk of said body shall file a certified copy of the charges made and the judgment or the findings of the said body in the Circuit Court; which transcript having been filed, the cause shall be docketed in the Circuit Court and tried as an original action by the judge of said court. Should the clerk of said body fail to certify and transmit the transcript aforesaid to the Circuit Court within five (5) days after the request is made for same, then the party aggrieved may file an affidavit in the said Circuit Court, setting out as fully as possible the charges made, the time of trial by said court and the judgment of said body, together with the statements of the facts that the demand for transcript had been made upon the clerk of said body more than five (5) days before the filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said court and the Circuit Court is hereby authorized to compel the filing of said transcript by said clerk by entering the proper mandatory orders, and by fine and imprisonment, as in cases of contempt. Such action shall have precedence over other business and be taken up and determined speedily.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 122, effective January 2, 1978. -- Created 1942 Ky. Acts ch. 9, sec. 7.