

**455.150 Procedure for bringing material witness in state felony trial from federal prison -- Reimbursement of expenses.**

When a material witness for the Commonwealth in a felony prosecution pending in a court of this state is confined under judgment of conviction in any federal penal institution, the Commonwealth's attorney may enter into an agreement with the appropriate federal authorities for conveyance of the witness at the expense of this state to the Circuit Court in which the trial is pending, and after trial, for return to the federal penitentiary. The Commonwealth's attorney shall move the Circuit Court for an order for the attendance of the witness and shall state the situation of the prisoner, the date set for trial of the case, the importance of his testimony to the Commonwealth, and the agreement of the federal authorities to produce the prisoner in court. The Circuit Court shall designate the officer to transport and guard the prisoner and such person shall be reimbursed from the State Treasury for his expenses in the amount and manner provided in KRS 64.070(1); provided, however, that if a United States marshal or other federal official is designated by the court to transport and guard the prisoner such marshal or officer shall be reimbursed at the rate authorized by federal law or regulations. The Circuit Court shall enter an order of allowance of expenses for the officer upon conclusion of the trial.

**History:** Amended 1976 Ky. Acts ch. 24, sec. 2. -- Created 1960 Ky. Acts ch. 48, sec. 2, effective June 16, 1960.