

15.725 Duties of Commonwealth's attorney and county attorneys -- Agreements to share or redistribute prosecutorial duties -- Circuit clerk's authority to issue criminal warrants.

- (1) The Commonwealth's attorney shall attend each Circuit Court held in his judicial circuit. He shall, except as provided in KRS 15.715 and KRS Chapter 131, have the duty to prosecute all violations whether by adults or by juveniles subject to the jurisdiction of the Circuit Court of the criminal and penal laws which are to be tried in the Circuit Court in his judicial circuit. In addition, he shall have the primary responsibility within his judicial circuit to present evidence to the grand jury concerning such violations.
- (2) The county attorney shall attend the District Court in his county and prosecute all violations whether by adults or by juveniles subject to the jurisdiction of the regular or juvenile session of the District Court of criminal and penal laws, except as provided in KRS Chapter 131, within the jurisdiction of said District Court.
- (3) The Commonwealth's attorney and county attorneys in a judicial circuit shall cooperate in the enforcement of criminal and penal laws of the Commonwealth. When necessary, the Commonwealth's attorney and county attorney shall assist each other in prosecution within their respective courts. Each Commonwealth's attorney and county attorney may enter into agreements to share or redistribute prosecutorial duties in the Circuit and District Courts. Any prosecutorial or related duty assigned by statute to the Commonwealth's attorney may be performed by the county attorney, and any prosecutorial or related duty assigned by statute to the county attorney may be performed by the Commonwealth's attorney pursuant to these agreements. Copies of the agreements shall when executed be forwarded to the Attorney General, the chief judges of the Circuit and District Courts, and the chief regional judges of the Circuit and District Courts.
- (4) The Prosecutors Advisory Council shall in allocating resources between the Commonwealth's and county attorney take the agreements into account.
- (5) In the event of the absence from a county of all District Judges and all Circuit Judges and all trial commissioners, the circuit clerk in each county may issue criminal warrants prepared by the Commonwealth's attorney or county attorney, who shall certify that there is no District Judge, Circuit Judge, or trial commissioner within the county.

Effective: July 15, 1997

History: Amended 1996 Ky. Acts ch. 358, sec. 3, effective July 15, 1997. -- Amended 1994 Ky. Acts ch. 189, sec. 1, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 322, sec. 11, effective July 15, 1988. -- Amended 1980 Ky. Acts ch. 42, sec. 2, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 25, sec. 1, effective June 17, 1978. -- Created 1976 (1st Extra. Sess.) Ky. Acts ch. 17, sec. 6, effective January 1, 1978.

Legislative Research Commission Note (7/15/96). Under 1996 Ky. Acts ch. 358, sec. 67(1), the amendment of this statute by Section 3 of that Act becomes effective July 15, 1997.