

431.210 Return of property stolen if accused does not appear.

If any person indicted for stealing property, or for having stolen property in his possession, breaks jail, forfeits his recognizance, or otherwise fails to appear for trial at the proper time, the person claiming the property may make a motion in the court in which the indictment is pending for the return of the property to him. The claim shall be supported by the affidavit of the person claiming the property. The motion shall be continued for thirty (30) days before final action is taken. A notice of the motion, served upon the attorney for the Commonwealth, shall be taken as a notice served upon the person named in the indictment, and shall give the court jurisdiction of the matter. The attorney for the Commonwealth shall defend the motion. A jury shall try the facts, and if it finds in its verdict that the claimant is entitled to the possession of the property, the court shall enter judgment accordingly. The court may enforce the judgment by rule, attachment and imprisonment as in cases of contempt. The costs of the proceedings shall be paid by the claimant, for which he may have judgment and execution against the person stealing the property.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 440, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1133, 1134.