

455.140 Procedure for bringing federal prisoner to trial in state court on felony charge -- Reimbursement of expenses.

The Commonwealth's attorney may enter into an agreement with representatives of the federal government for conveyance of a federal prisoner to a Circuit Court of this state to stand trial therein on a felony charge, upon condition that such prisoner shall remain in the custody of an agent of the United States and be returned to the federal penitentiary for completion of the term of confinement there following conclusion of the trial in the Circuit Court, and thereafter to be returned to this state to serve any sentence imposed here. It may also be agreed that the state will bear the expense of such conveyance. The Commonwealth's attorney shall then file in the Circuit Court his verified petition for writ of habeas corpus ad prosequendum stating facts as to the situation of the prisoner, the charge against him and date set for trial, the necessity of securing the prisoner for trial prior to his release in due course by federal authorities and the terms of the agreement which has been reached with such authorities. If the court deems the petition sufficient, it shall issue the writ and if the state is required to pay the expense the writ shall designate the officer to transport and guard the prisoner and such officer shall be reimbursed from the State Treasury for expenses incurred 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. 1. -- Created 1960 Ky. Acts ch. 48, sec. 1, effective June 16, 1960.