

421.040 Fee in felony case must be claimed -- When not allowed.

Each witness for the Commonwealth in a felony case shall, immediately after he testifies claim his attendance in open court. The claim may be allowed by the court and if it is allowed it shall be noted of record. Any person who has been subpoenaed or recognized as a witness in a felony case who fails to appear upon the calling of the case, is not entitled to claim as a witness in that case unless he files an affidavit from which it appears that he had a good excuse for failing to attend. When the affidavit is filed the court may allow the witness to claim his attendance. The clerk shall note on his order book the name of each witness who fails to attend the first day of the trial.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1737, 1738.