

452.220 Application by state or defendant, how made and determined.

- (1) If the application for change of venue is made by the state, a petition stating the reasons therefor and signed by the Commonwealth's attorney shall be filed in court. Reasonable notice of the time when the application will be made shall be given in writing to the defendant or, if he is absent from the county, to his attorney.
- (2) If the application is made by the defendant, it shall be made by petition in writing, verified by the defendant, and by the filing of the affidavits of at least two (2) other credible persons, not kin to or of counsel for the defendant, stating that they are acquainted with the state of public opinion in the county objected to, and that they verily believe the statements of the petition for the change of venue are true. The Commonwealth's attorney or, in his absence from the county, the county attorney shall be given reasonable notice, in writing, of the application. If objections to all the adjoining counties are made and sustained, the change shall be made to the nearest county to which there is no valid objection, preference being given to counties of the same judicial circuit.
- (3) Applications under this section shall be made and determined in open court, and the court shall hear all witnesses produced by either party and determine from the evidence whether the defendant is entitled to a change of venue.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 466, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 62, sec. 130. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1110, 1111.