

407.5802 Conditions of rendition.

- (1) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty (60) days previously the obligee had initiated proceedings for support pursuant to KRS 407.5101 to 407.5902 or that the proceedings would be of no avail.
- (2) If, under KRS 407.5101 to 407.5902, or a law substantially similar to KRS 407.5101 to 407.5902, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.
- (3) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 18, sec. 69, effective June 24, 2015. -- Contingent effective date repealed 1998 Ky. Acts ch. 101, sec. 20, effective March 23, 1998. -- Created 1996 Ky. Acts ch. 365, sec. 60, effective upon contingency.