

63.180 Proceeding for removal of nonelective peace officer or deputy constable. (Effective January 1, 2023)

- (1) Any person serving as a nonelective peace officer, deputy peace officer, or deputy constable in violation of the provisions of KRS 61.300 shall be subject to removal. The Circuit Court of the county in which such person is serving and the Circuit Court of Franklin County shall have concurrent jurisdiction of all proceedings for the removal of any such person. The proceedings shall be in equity and the procedure shall be as set forth in subsections (2), (3) and (4) of this section.
- (2) The Commonwealth's attorney of the judicial circuit or the county attorney of the county in which such person is serving, the Attorney General, or any three (3) or more citizens of said county may file a petition in equity setting forth the facts constituting a violation of the provisions of KRS 61.300. If instituted by the Commonwealth's attorney, county attorney or Attorney General, the proceeding shall be in the name of the Commonwealth, and if instituted by three (3) or more citizens, it shall be in the name of such citizens as plaintiffs. A copy of the petition shall be served upon the person complained against, who shall have ten (10) days in which to answer.
- (3) Thereafter the proceeding shall be heard and determined by the court as a proceeding in equity. The court shall render a final judgment within sixty (60) days from the date the petition is filed, unless the court, for good cause shown, extends the time for the final hearing, but in no case shall it be extended beyond ninety (90) days from the date the petition is filed.
- (4) If it appears upon final hearing that any nonelective peace officer or deputy peace officer is disqualified under the provisions of KRS 61.300, the court shall enter a judgment forthwith removing the officer from office.

Effective: January 1, 2023

History: Amended 2022 Ky. Acts ch. 90, sec. 7, effective January 1, 2023. -- Amended 1976 (1st Extra. Sess) Ky. Acts ch. 14, sec. 23, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 62, sec. 59. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3766a-5f.