

35.155 Compulsory self-incrimination prohibited.

- (1) No subject person shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.
- (2) No subject person to this code may interrogate or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected, that any statement made by him may be used as evidence against him in a trial by court-martial, that he has a right to consult with a lawyer, that he has a right to have a lawyer present during questioning, that he has a right to request a lawyer and that upon his request one (1) will be provided him without cost or, if he prefers, he may retain counsel of his choice at his own expense.
- (3) No subject person shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.
- (4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.
- (5) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

History: Amended 1970 Ky. Acts ch. 56, sec. 20. -- Created 1954 Ky. Acts ch. 99, sec. 30, effective July 1, 1954.