

197.440 Sexual offender's communications which are privileged.

Communications made in the application for or in the course of a sexual offender's diagnosis and treatment in the program between a sexual offender or member of the offender's family and any employee of the department who is assigned to work in the program, or approved provider, as defined in KRS 17.500, shall be privileged from disclosure in any civil or criminal proceeding, other than proceedings to determine the sentence, unless the offender consents in writing to the disclosure or the communication is related to an ongoing criminal investigation. The privilege created by this section shall not extend to disclosures made for the purpose of determining whether the offender should continue to participate in the program. The provisions of KRS 620.030 shall not apply to a communication made, received, or overheard if the communication is made pursuant to this section. The offender shall be informed in writing of the limits of the privilege created in this section.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 182, sec. 23, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 401, sec. 32, effective April 11, 2000. -- Amended 1992 Ky. Acts ch. 211, sec. 67, effective July 14, 1992; and ch. 445, sec. 8, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 478, sec. 5, effective July 15, 1986.