

### **35.245 Depositions.**

- (1) At any time after charges have been signed as provided in KRS 35.150, any party may take depositions. If a deposition is to be taken before charges are referred for trial, the trial authority may designate officers to represent the prosecution and the defense and may authorize such officers to take the depositions of any witness.
- (2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.
- (3) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the state or by the laws of the place where the deposition is taken to administer oaths.
- (4) A duly authenticated deposition taken upon reasonable notice to the other party, so far as otherwise admissible under the rules of evidence, may be read in evidence before any court-martial, military commission or in any proceeding before a court of inquiry, if it appears:
  - (a) That the witness resides or is beyond the state in which the court-martial, military commission or court of inquiry is ordered to sit, or beyond the distance of one hundred (100) miles from the place of trial or hearing;
  - (b) That the witness, by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or
  - (c) That the present whereabouts of the witness is unknown.

**History:** Amended 1970 Ky. Acts ch. 56, sec. 35. -- Created 1954 Ky. Acts ch. 99, sec. 48, effective July 1, 1954.