

304.2-350 Testimony compelled -- Immunity from prosecution.

- (1) If any person asks to be excused from attending or testifying or from producing any books, papers, records, contracts, documents, or other evidence in connection with any examination, hearing, or investigation being conducted by the commissioner, his or her deputy or examiner, or in any proceeding or action before any court upon a charge of violation of this code, on the ground that the testimony or evidence required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture, and shall notwithstanding be directed to give testimony or produce evidence, the person must, if so directed by the commissioner and the Attorney General, nonetheless comply with the direction; but the person shall not thereafter be prosecuted or subjected to any criminal penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person may have so testified or produced evidence, and no testimony so given or evidence produced shall be received against the person upon any criminal action, investigation, or proceeding; except, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by the person in giving testimony, and the testimony or evidence so given or produced shall be admissible against the person upon any criminal action, investigation, or proceeding concerning perjury.
- (2) Any individual may execute, acknowledge, and file in the department a statement expressly waiving immunity or privilege in respect to any transaction, matter, or thing specified in a statement, and thereupon the testimony of the individual or the evidence in relation to the transaction, matter, or thing may be received or produced before any judge, court, tribunal, grand jury, or otherwise, and if so received or produced the individual shall not be entitled to any immunity or privileges on account of any testimony he or she may so give or evidence so produced.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 951, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 483, sec. 6, effective July 15, 1998. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 269, effective January 2, 1978. -- Created 1970 Ky. Acts ch. 301, subtit. 2, sec. 35, effective June 18, 1970.