

**35.235 Refusal to appear and testify -- Punishment.**

- (1) Every person not subject to this code, who, after the following two (2) provisions have been complied with, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which such person may have been duly subpoenaed to produce, shall be deemed guilty of an offense against the state:
  - (a) Has been duly subpoenaed to appear as a witness or to produce books and records before any court-martial, military commission or court of inquiry, or before any military or civil officer designated to take a deposition to be read in evidence before such court-martial, commission or court of inquiry; and
  - (b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending a Circuit Court of the state.
- (2) Upon the certification of the facts under subsection (1) by the military court or tribunal to the Commonwealth's attorney of the county where the offense occurred, the Commonwealth's attorney shall prosecute the accused in Circuit Court and jurisdiction is hereby conferred upon such courts for this purpose. If convicted, the person may be fined not more than two hundred fifty dollars (\$250) or imprisoned not more than thirty (30) days or both.

**History:** Amended 1970 Ky. Acts ch. 56, sec. 33. -- Created 1954 Ky. Acts ch. 99, sec. 46, effective July 1, 1954.