

35.375 Courts of inquiry.

- (1) Courts of inquiry to investigate any matter may be convened by the Governor.
- (2) A court of inquiry shall consist of three (3) or more officers. For each court of inquiry the convening authority shall also appoint counsel for the court.
- (3) Any subject person whose conduct is subject to inquiry shall be designated as a party. Any subject person or person employed in the military department of the Commonwealth of Kentucky who has a direct interest in the subject of inquiry shall have the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and shall have the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.
- (4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.
- (5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.
- (6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry in like manner as provided for in courts-martial.
- (7) Courts of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.
- (8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. In case the record cannot be authenticated by the president it shall be signed by a member in lieu of the president and in case the record cannot be authenticated by the counsel for the court it shall be signed by a member in lieu of the counsel.

History: Amended 1970 Ky. Acts ch. 56, sec. 52. -- Created 1954 Ky. Acts ch. 99, sec. 74, effective July 1, 1954.