

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CRIMINAL PROCEDURE**

GRAND JURY

RCr 5.16 Transcript of testimony

(1) The attorney for the Commonwealth shall cause all of the testimony before a grand jury to be recorded. For this purpose the attorney for the Commonwealth may appoint a stenographer to take in shorthand the testimony of witnesses or may cause the testimony to be taken by a recording device, but the record so made shall include the testimony of all witnesses. The shorthand notes or the recordings and transcript of the same, if any, shall be delivered to and retained by the attorney for the Commonwealth.

(2) Failure to have a record made, if required by paragraph (1) of this Rule 5.16, shall be ground for dismissal of the indictment unless the Commonwealth can show good cause for the failure. Mechanical failure of the recording device shall constitute good cause.

(3) The stenographer or operator of the recording device and any typist who transcribes the stenographer's notes or recordings shall be sworn by the court not to disclose any testimony or the names of any witnesses except to the attorney for the Commonwealth or when testifying in court, and except that any person indicted by the grand jury shall have a right to procure a transcript of any stenographic report or a duplicate of any mechanical recording relating to his or her indictment or any part thereof upon payment of its reasonable cost.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendment eff. 9-1-81 (Order 81-5); adopted eff. 1-1-63