

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

PRODUCTION OF EVIDENCE

RCr 7.06 Indispensable witness

(1) If it appears by affidavit in any criminal proceeding that the testimony of a person is indispensable and that there are reasonable grounds to believe that it will be impracticable to secure that person's attendance by subpoena, the court may issue an order to any peace officer to bring the witness before the court. A hearing shall then be held without unnecessary delay at which the witness shall be present and represented by counsel unless waived, and the court may require the witness to give bail for his or her appearance as a witness. The applicable provisions governing bail shall apply to bail for indispensable witnesses. If the witness fails to give bail, the court may commit him or her to custody pending a final disposition of the proceeding in which the testimony is needed. The court may order the witness's release if he or she has been detained for an unreasonable length of time and may modify at any time the requirement as to bail

(2) If such witness is committed for failure to give bail, the court on written motion of the witness and upon notice to the parties may direct that the witness's deposition be taken. After the deposition has been taken the court shall discharge the witness.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendments eff. 1-1-85 (Order 84-2), 9-1-81 (Order 81-5); adopted eff. 1-1-63