61.105 Immunity for persons bringing evidence against an executive branch official involving conduct relating to the transition between officials -- Definitions for section -- Exception in case of perjury.

(1) As used in this section:

(a) "Executive branch official" means all major management personnel of the Office of the Governor, Office of the Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, and Commissioner of Agriculture, including but not limited to cabinet secretaries, deputy cabinet secretaries, chief executive officers, general counsels, commissioners, deputy commissioners, executive directors, executive assistants, policy advisors, special assistants, administrative coordinators, executive advisors, staff assistants, and division directors; and

(b) "State constitutional officer" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, and Commissioner of Agriculture.

(2) Notwithstanding any law to the contrary, at any time during the twelve (12) months before and twelve (12) months after a state constitutional officer takes his or her oath of office, any person:

(a) Involved in conduct relating to the transition between outgoing and incoming state constitutional officers that may result in a criminal prosecution of the person or a violation of a state ethics law by the person, including but not limited to the Executive Branch Code of Ethics pursuant to KRS Chapter 11A and the Kentucky Code of Legislative Ethics pursuant to KRS 6.601 to 6.849; and

(b) Who brings forth evidence against an executive branch official who was involved with or directed the person to perform the conduct described in paragraph (a) of this subsection;

shall be immune from criminal prosecution for the conduct, and shall not be subject to any penalty resulting from an ethical violation pertaining to his or her involvement in the conduct if the evidence he or she brought forth assists in the criminal prosecution of, or a finding of an ethical violation against, the applicable executive branch official.

(3) A person shall not be immune from criminal prosecution and shall be subject to any ethical violation pertaining to his or her involvement with the conduct described in subsection (2)(a) of this section if he or she commits perjury. Any testimony or evidence given or produced shall be admissible against the person upon any criminal action, investigation, or proceeding concerning the perjury in addition to any conduct described in subsection (2)(a) of this section.

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