

**422.290 Attendance of Department of Corrections personnel as witnesses in civil suits out of county -- Records provable by copy.**

- (1) No officer or employee of the Department of Corrections shall be required to give personal attendance as a witness in any civil suit, arising from that person's employment, out of the county in which his or her official workstation is situated, but his or her deposition shall be taken in lieu thereof. However, in the court in which the civil action is pending, if the court finds that the witness is a necessary witness for trial, the court may order the personal attendance of the witness at trial.
- (2) Subject to the approval of the court, the Department of Corrections records which relate to supervision, custody, or confinement of an offender or which constitute an offender's medical charts or records that are susceptible to photostatic reproduction may be proved as to foundation, identity, and authenticity, without any preliminary testimony, by use of legible and durable copies certified by the employee of the department charged with the responsibility of being the custodian of the originals thereof. The certification shall be signed before a notary public by the employee and shall include the full name of the offender and, for medical charts or records, the offender's medical record number and the number of pages in the medical record. The certification shall also include a legend substantially to the following effect: "The copies of records for which this certification is made are true and complete reproductions of the original or microfilmed records which are housed at (provide the office, address, and phone number). The original records were made in the regular course of business, and it was the regular course of the Department of Corrections to make the records at or near the time of the matter recorded. This certification is given by the custodian of the records in lieu of the custodian's personal appearance."
- (3) Nothing in this section shall be construed as a waiver of any privilege the department may have relating to the records.

**Effective:** July 15, 2002

**History:** Created 2002 Ky. Acts ch. 11, sec. 6, effective July 15, 2002.