

48-2602. Compulsory self-incrimination prohibited. (a) No person subject to this code shall compel any person to incriminate himself or herself or to answer any question, the answer to which may tend to incriminate the person.

(b) No person subject to this code may interrogate or request any statement from an accused or a person suspected of an offense without first informing him or her of the nature of the accusation and advising him or her that he or she does not have to make any statement regarding the offense of which he or she is accused or suspected, that any statement made by him or her may be used as evidence against him or her in a trial by court-martial, that he or she has a right to consult with a lawyer, that he or she has a right to have a lawyer present during questioning, that he or she has a right to request a lawyer and that upon request one will be provided without cost or, if he or she prefers, he or she may retain counsel of his or her choice at his or her own expense.

(c) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

(d) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence or unlawful inducement may be received in evidence against the person in a trial by court-martial.

(e) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

History: L. 1972, ch. 203, § 48-2602; July 1.