

504.060 Definitions for chapter. (Effective until July 15, 2026)

As used in this chapter, unless the context otherwise requires:

- (1) "Department" means the Department of Corrections;
- (2) "Examiner" means a psychologist or psychiatrist who examines, treats, or reports on a defendant's mental condition as required by this chapter;
- (3) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing inpatient evaluation, care, and treatment for mentally ill persons or individuals with an intellectual disability who have been charged with or convicted of a felony;
- (4) "Foreseeable future" means not more than three hundred sixty (360) days;
- (5) "Incompetency to stand trial" means, as a result of mental condition, lack of capacity to appreciate the nature and consequences of the proceedings against one or to participate rationally in one's own defense;
- (6) "Individual with an intellectual disability" means an individual with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period and is a condition which may exist concurrently with mental illness or insanity;
- (7) "Insanity" means, as a result of mental condition, lack of substantial capacity either to appreciate the criminality of one's conduct or to conform one's conduct to the requirements of law;
- (8) "Mental illness" means substantially impaired capacity to use self-control, judgment, or discretion in the conduct of one's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological, or social factors;
- (9) "Psychiatrist" means a physician licensed pursuant to KRS Chapter 311 who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;
- (10) "Psychologist" means a person licensed at the doctoral level pursuant to KRS Chapter 319 who has been designated by the Kentucky Board of Examiners of Psychology as competent to perform examinations;
- (11) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- (12) "Treatment" means medication or counseling, therapy, psychotherapy, and other professional services provided by or at the direction of psychologists or psychiatrists. "Treatment" shall not include electroshock therapy or psychosurgery; and
- (13) "Treatment facility" means an institution or part thereof, approved by the Cabinet for Health and Family Services, which provides evaluation, care, and treatment for insane or mentally ill persons or individuals with an intellectual disability on an inpatient or outpatient basis.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 138, sec. 2, effective July 15, 2024. -- Amended 2012 Ky. Acts ch. 146, sec. 121, effective July 12, 2012. -- Amended 2005 Ky. Acts

ch. 99, sec. 653, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 605, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 211, sec. 131, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 139, sec. 15, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 331, sec. 57, effective July 15, 1986. -- Created 1982 Ky. Acts ch. 113, sec. 1, effective July 15, 1982.

Legislative Research Commission Note (7/15/2024). Under the authority of KRS 7.136, the reviser of statutes has changed the internal numbering of this statute to place the definitions in alphabetical order. The words in the statute were not changed.

Legislative Research Commission Note (7/15/2024). 2024 Ky. Acts ch. 138, sec. 7, provides that the Act, which amended this section and KRS 311.631, 504.070, 504.080, 504.100, and 504.110, may be cited as Seth's Law.