

533.020 Probation and conditional discharge.

- (1) When a person who has been convicted of an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court shall place him or her on probation if he or she is in need of the supervision, guidance, assistance, or direction that the probation service can provide. Conditions of probation shall be imposed as provided in KRS 533.030, but the court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the period of probation. When setting conditions under this subsection, the court shall not order any defendant to pay incarceration costs or any other cost permitted to be ordered under KRS 533.010 or other statute, except restitution and any costs owed to the Department of Corrections, through the circuit clerk.
- (2) When a person who has been convicted of an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court may sentence him or her to probation with an alternative sentence if it is of the opinion that the defendant should conduct himself or herself according to conditions determined by the court and that probationary supervision alone is insufficient. The court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the alternative sentence.
- (3) When a person who has been convicted of an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court may sentence him or her to conditional discharge if it is of the opinion that the defendant should conduct himself or herself according to conditions determined by the court but that probationary supervision is inappropriate. Conditions of conditional discharge shall be imposed as provided in KRS 533.030, but the court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the period of conditional discharge.
- (4)
 - (a) The period of probation, probation with an alternative sentence, or conditional discharge shall be fixed by the court and at any time may be extended or shortened by a duly entered court order or as modified by the Department of Corrections through the application of probation program credits under KRS 439.268.
 - (b)
 1. Any period of supervision imposed under paragraph (a) of this subsection, with extensions thereof, shall not exceed five (5) years, or the time necessary to complete restitution, whichever is longer, upon conviction of a felony, nor two (2) years, or the time necessary to complete restitution, whichever is longer, upon conviction of a misdemeanor.
 2. If a violation of any condition imposed by the court during a period of supervision imposed under paragraph (a) of this subsection is alleged to have occurred within the last sixty (60) days of the period of supervision, the court shall have sixty (60) days after the expiration of the period of supervision imposed under paragraph (a) of this subsection

to determine if a violation occurred and the appropriate action for the violation.

- (c)
 - 1. If a defendant who is subject to a period of supervision under paragraph (a) of this subsection is alleged to have committed a violation of the conditions imposed by the court, and a warrant has been issued by the court based on an allegation of that violation, the time between the issuance of the warrant and the defendant's first appearance before the court after service of that warrant shall be tolled and not count towards any period of supervision imposed under paragraph (a) of this subsection, unless the court finds that the defendant did not violate any condition imposed by the court.
 - 2. The court shall have sixty (60) days after the defendant's first appearance to schedule and complete any proceedings related to an alleged violation described in subparagraph 1. of this paragraph.
- (d) Upon completion of the probationary period, probation with an alternative sentence, or the period of conditional discharge, the defendant shall be deemed finally discharged, provided no warrant issued by the court is pending against him or her, and probation, probation with an alternative sentence, or conditional discharge has not been revoked.
- (5) Notwithstanding the fact that a sentence to probation, probation with an alternative sentence, or conditional discharge can subsequently be modified or revoked, a judgment that includes such a sentence shall constitute a final judgment for purposes of appeal.

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History: Amended 2026 Ky. Acts ch. 136, sec. 10, effective July 15, 2026. -- Amended 2020 Ky. Acts ch. 44, sec. 8, effective July 15, 2020. -- Amended 2002 Ky. Acts ch. 183, sec. 36, effective August 1, 2002. -- Amended 1998 Ky. Acts ch. 606, sec. 48, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 497, sec. 5, effective July 13, 1990. -- Created 1974 Ky. Acts ch. 406, sec. 286, effective January 1, 1975.