

CHAPTER 79

(SB 123)

AN ACT relating to sentence credit for state prisoners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *As used in this section, "Governmental Services Program related project" means a project involving work for:*
 1. *The Commonwealth or an agency of the Commonwealth; or*
 2. *A county, urban-county, charter county, city, consolidated local government, special district, or an agency of any of these entities.*
- (b) *Work on a Governmental Services Program shall not confer private benefit on a person except as may be incidental to the public benefit.*
- (2) *The department shall promulgate an administrative regulation governing prisoners working on Governmental Services Program related projects.*
- (3) *A prisoner shall not begin work on a particular Governmental Services Program related project without the approval of the director of the relevant entity referred to in subsection (1)(a) of this section, or the director's designee.*
- (4) *Participation in Governmental Services Program related projects shall not be deemed employment for any purpose, and a prisoner shall not be deemed an employee or agent of the entity for which he or she performs the community service work.*
- (5) *A Department of Corrections administrative regulations shall set forth the amount of compensation a prisoner shall earn for any work-related project, and any prisoner who works on a Governmental Services Program shall receive an amount equal to one half of the established compensation for such work and shall be eligible to receive a sentence credit as set forth below.*
- (6) *The sentence credit provisions of this section shall not apply to a prisoner who is serving a:*
 - (a) *Sentence of imprisonment for life without possibility of parole;*
 - (b) *Sentence for a violent offense as defined in KRS 439.3401;*
 - (c) *Sentence for escape or attempted escape; or*
 - (d) *Sentence for a sex crime as defined in KRS 17.500.*
- (7) *The department may grant sentence credits to inmates confined in a detention facility for labor performed in a Governmental Services Program or within a detention facility for the maintenance of the facility or for the operation of facility services such as food service.*
- (8) *Credit, if granted, shall be uniform and shall be based on the following:*
 - (a) *For every eight (8) full hours of work, one (1) sentence credit shall be earned;*
 - (b) *For every five (5) sentence credits earned, one (1) day of the sentence to be served by the inmate shall be deducted; and*

- (c) *Sentence credits shall be deducted from the maximum expiration date of the sentence.*
- (9) *The department may forfeit any credit previously earned by the prisoner or deny the prisoner the right to earn this work credit or the right to earn work credit in any amount if during the term of imprisonment a prisoner commits any offense or violates the rules of the institution.*
- (10) *Any other provision of law to the contrary notwithstanding, the labor of state inmates shall not be used on any construction, building, or building maintenance project outside the prison where use of such labor would reduce skilled employment opportunities of citizens of the Commonwealth. Skilled employment includes but is not limited to labor ordinarily performed by skilled tradespersons.*

Approved March 18, 2003