

CHAPTER 97**(SJR 12)**

A JOINT RESOLUTION relating to the study of the Kentucky Penal Code and related offenses and declaring an emergency.

WHEREAS, the Kentucky Penal Code was enacted by the 1974 General Assembly and became effective January 1, 1975; and

WHEREAS, the present Kentucky Penal Code has been extensively added to and modified, and is the subject of many custom crimes and enhancements of penalties; and

WHEREAS, the General Assembly believes that the resulting prison and jail overcrowding and uneven penalty scheme presently contained in the code is in need of updating and change; and

WHEREAS, the 2008 General Assembly believed that the 34-year old Kentucky Penal Code was in urgent need of reinvention, redrafting, and modernization, and, through the enactment of Senate Joint Resolution 80, directed the co-chairs of the Interim Joint Committee on Judiciary to appoint a Penal Code Study Subcommittee of the Interim Joint Committee on Judiciary to conduct a thorough review of the Penal Code and its penalty scheme and make recommendations to the Legislative Research Commission no later than December 1, 2008; and

WHEREAS, the membership of the Penal Code Subcommittee was approved and appointed by the Legislative Research Commission; and

WHEREAS, the Penal Code Subcommittee, appointed under the authority of Senate Joint Resolution 80 of the 2008 General Assembly, began its assigned tasks and, through public meetings, determined that the issues are too complex to resolve by December 1, 2008;

NOW, THEREFORE,

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

➔Section 1. Subject to the approval of the Legislative Research Commission, the co-chairs of the Interim Joint Committee on Judiciary are directed to appoint a Penal Code Study Subcommittee of the Interim Joint Committee on Judiciary which shall be re-authorized to continue studying all issues identified in Senate Joint Resolution 80 of the 2008 General Assembly and the issue of the treatment, incarceration, and release into the community of mentally incompetent individuals.

➔Section 2. The Executive and Judicial Branches of government shall provide necessary personnel, information, statistics, and other requested assistance to assist the subcommittee in the performance of its duties.

➔Section 3. The subcommittee may hold public hearings to ascertain the views of state and local officials, affected entities, crime victims, and the public as to what a new revision of the Penal Code should contain.

➔Section 4. The final report of the subcommittee may be in the form of a draft for a full or partial revision of the Kentucky Penal Code in conformity with the provisions of this Resolution. The report shall be delivered to the Legislative Research Commission no later than December 1, 2009. The draft may but shall not be required to have a commentary to accompany the draft.

➔Section 5. The provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the Penal Code study to an interim joint committee or subcommittee thereof, and to designate a study completion date.

➔Section 6. Whereas it is necessary to provide as much time as possible for the operation of the subcommittee, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by the Governor March 24, 2009.