

## CHAPTER 38

## (HB 35)

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 532.356 is amended to read as follows:

- (1) Upon a person's conviction and sentencing for any nonstatus juvenile offense, moving traffic violation, criminal violation, misdemeanor, or Class D felony offense, and, for the purposes of paragraph (b) of this subsection, any Class C felony offense listed in subsection (3) of this section, the court shall impose the following sanctions in addition to any imprisonment, fine, court cost, or community service:
  - (a) Reimbursement to the state or local government for the person's incarceration, determined by the per person, per diem, expenses of each prisoner incarcerated by the respective local government, times the number of days he has spent or shall spend in confinement, plus any medical services received by the prisoner, less copayments paid by the prisoner. The convicted person's ability to pay all or part of the reimbursement shall be considered by the sentencing court in imposing the sanction; and
  - (b) Restitution to the crime victim as set out in KRS 439.563, 532.032, and 532.033.
- (2) In addition to any other penalty allowed by law, a court may declare the defendant ineligible to operate a motor vehicle for a period of up to sixty (60) days where the defendant is being sentenced for a conviction of KRS 514.030 involving the theft of gasoline or special fuels from a retail establishment and the defendant has been previously convicted of KRS 514.030 for a theft of gasoline or special fuels from a retail establishment. A retail establishment may post a sign at the location where the fuel is dispensed apprising the public of the sanctions available under this subsection.
- (3) (a) In addition to any other penalty allowed by law, a court ~~may~~~~shall~~ declare the defendant ineligible to operate a motor vehicle for the period of time that any amount of restitution ordered under this section remains unpaid, where the restitution is imposed as the result of the commission of the following offenses:
  1. KRS 434.650;
  2. KRS 434.655;
  3. KRS 434.660;
  4. KRS 434.670;
  5. KRS 434.690;
  6. KRS 514.030;
  7. KRS 514.040;
  8. KRS 514.050;
  9. KRS 514.060;
  10. KRS 514.070;
  11. KRS 514.080;
  12. KRS 514.090;
  13. KRS 514.110;
  14. KRS 514.120; or
  15. KRS 506.120.
- (b) Upon motion by the defendant with proper notice to the office of the attorney who represented the Commonwealth at sentencing, the court may authorize the defendant to obtain the hardship license authorized under KRS Chapter 189A. The defendant shall be subject to the same operating restrictions and penalties for noncompliance as are set out for a hardship license in that chapter. The court may

waive compliance with provisions of KRS Chapter 189A relating to alcohol treatment, *waiting periods*, and ignition interlock installation for the purpose of authorizing issuance of a hardship license under this section.

- (4) Sanctions imposed by the sentencing court shall become a judgment of the court. Reimbursement of incarceration costs shall be paid by the defendant directly to the jailer in the amount specified by written order of the court. Incarceration costs owed to the Department of Corrections shall be paid through the circuit clerk.

**Signed by Governor March 30, 2010.**