

CHAPTER 121**(HCR 250)**

A CONCURRENT RESOLUTION relating to crimes and punishments.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The Penal Code and Controlled Substances Drafting Group is hereby created.

➔Section 2. The Penal Code and Controlled Substances Drafting Group shall consist of:

- (1) The Chair of the Senate Judiciary Committee who shall be a co-chair of the drafting group;
- (2) The Chair of the House of Representatives Judiciary Committee who shall be a co-chair of the drafting group;
- (3) The Chief Justice of the Supreme Court of Kentucky or a person designated by the Chief Justice and approved by the Legislative Research Commission;
- (4) The Secretary of the Justice and Public Safety Cabinet or a person designated by the Secretary and approved by the Legislative Research Commission;
- (5) A former Commonwealth's attorney designated by the co-chairs and approved by the Legislative Research Commission;
- (6) A former Department of Public Advocacy attorney designated by the co-chairs and approved by the Legislative Research Commission; and
- (7) A member of the public designated by the co-chairs and approved by the Legislative Research Commission.

➔Section 3. In addition to the persons designated above, the co-chairs may request the Legislative Research Commission to approve the appointment of other persons who shall not be members of the Penal Code and Controlled Substances Drafting Group but who shall be ancillary and supplemental thereto.

➔Section 4. The Penal Code and Controlled Substances Drafting Group shall meet monthly on the day prior to or the day of, or both, the meeting of the Interim Joint Committee on Judiciary.

➔Section 5. (1) The Penal Code and Controlled Substances Drafting Group shall, based on prior research and recommendations and its own new research and recommendations, provide to the Interim Joint Committee on Judiciary and Legislative Research Commission draft changes to the Penal Code, the Controlled Substances Act, and other necessary statutes.

(2) The draft shall, insofar as possible, be based on the principles of "Justice Reinvestment" and shall provide for alternatives to incarceration, use of community treatment, education, and rehabilitation programs which have been proven to reduce recidivism, to monitor defendants where necessary, and to reduce recidivism while protecting and enhancing public safety.

(3) Primary staff for the Penal Code and Controlled Substances Drafting Group shall be the staff of the Interim Joint Committee on Judiciary.

➔Section 6. The co-chairs of the Penal Code and Controlled Substances Drafting Group may request that the Director of the Legislative Research Commission contract with one or more outside organizations to provide research, analysis, drafting support, and advice to the Penal Code and Controlled Substances Drafting Group.

➔Section 7. The co-chairs of the Penal Code and Controlled Substances Drafting Group may request additional research, drafting, and other assistance from the Court of Justice and its agencies and from the executive branch and its agencies.

➔Section 8. The Penal Code and Controlled Substances Drafting Group shall produce a draft of proposed changes to the Penal Code, the Controlled Substances Act, and other necessary statutes for submission to the Interim Joint Committee on Judiciary and to the Legislative Research Commission no later than November 1, 2010.

➔Section 9. Final membership of the Penal Code and Controlled Substances Drafting Group shall be subject to the consideration and approval of the Legislative Research Commission.

➔Section 10. Provisions of Sections 1 to 9 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Signed by Governor April 12, 2010