

CHAPTER 137

(HB 189)

AN ACT relating to parole violators.

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

➔Section 1. KRS 439.3106 is amended to read as follows:

(1) Supervised individuals shall be subject to:

(a)~~(1)~~ Violation revocation proceedings and possible incarceration for failure to comply with the conditions of supervision when such failure constitutes a significant risk to prior victims of the supervised individual or the community at large, and cannot be appropriately managed in the community; or

(b)~~(2)~~ Sanctions other than revocation and incarceration as appropriate to the severity of the violation behavior, the risk of future criminal behavior by the offender, and the need for, and availability of, interventions which may assist the offender to remain compliant and crime-free in the community.

(2) (a) *At a final revocation hearing, the board may subject a supervised individual to a supervision continuation sanction for a period of up to nine (9) months, or until the completion of the individual's sentence, whichever is shorter.*

(b) *Individuals under a supervision continuation sanction shall be placed in:*

1. *A state or local correctional or detention facility;*

2. *An inpatient program for substance abuse treatment which has been approved by the department; or*

3. *Notwithstanding KRS 532.100, a halfway house, when the individuals have been classified by the department as community custody.*

(c) *Individuals under a supervision continuation sanction shall be considered an inmate for the duration of the supervision continuation sanction period. If an individual under a supervision continuation sanction successfully completes the sanction and has not completed the individual's sentence, the individual shall then be considered a supervised individual.*

(d) 1. *When a supervised individual has successfully completed the supervision continuation sanction and has not completed the individual's sentence, the individual shall be:*

a. *Reinstated to supervision in the community without another hearing before the board; and*

b. *Subject to the same supervision conditions that the individual had been under at the time of the preliminary revocation hearing.*

2. *When a supervised individual does not successfully complete a supervision continuation sanction and has not completed the individual's sentence, the individual shall be returned to the board for revocation proceedings.*

➔Section 2. KRS 439.348 is amended to read as follows:

Paroled prisoners shall be under the supervision of the department and subject to its direction for the duration of parole. Supervision of the parolee by the department shall cease at the time:

(1) Of recommitment of the prisoner to prison as a parole violator, *including recommitment under a supervision continuation sanction, at which time the prisoner shall be considered an inmate;*~~;~~ or

(2) ~~at the time~~ A final discharge from parole is granted to the parolee by the board.

Signed by Governor March 26, 2019.