

**CHAPTER 141****( SB 233 )**

AN ACT relating to reorganization.

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

➔Section 1. KRS 196.026 is amended to read as follows:

The Department of Corrections shall consist of the following organizational units:

- (1) ***Division of Compliance***~~{Personnel Division}~~;
- (2) ***Division of Public Affairs***;
- (3) Office of Adult Institutions, which shall have the following divisions:
  - (a) Division of Operations and Program Services;
  - (b) Division of Medical Services;
  - (c) Division of Mental Health Services;
  - (d) Division of ***Education***~~{Substance Abuse Programming}~~;
  - (e) Division of Correctional Industries;
  - (f) Division of Kentucky State Reformatory;
  - (g) Division of Luther Luckett Correctional Complex;
  - (h) Division of Roederer Correctional Complex;
  - (i) Division of Blackburn Correctional Complex;
  - (j) Division of Kentucky Correctional Institution for Women;
  - (k) Division of Northpoint Training Center Division;
  - (l) Division of Eastern Kentucky Correctional Complex;
  - (m) Division of Bell County Forestry Camp;
  - (n) Division of Kentucky State Penitentiary;
  - (o) Division of Western Kentucky Correctional Complex;
  - (p) Division of Green River Correctional Complex;
  - (q) Division of Little Sandy Correctional Complex; ***and***
  - (r) Division of Southeast State Correctional Complex~~{; and~~
  - ~~(s) Division of Education}~~.

Each division specified in paragraphs (f) to (r) of this subsection shall be headed by a warden pursuant to KRS 196.160;

- ~~(4){(3)}~~ Office of Community Services and Facilities, which shall have the following divisions:
  - (a) Division of Probation and Parole;
  - (b) Division of Reentry; ~~{and}~~
  - (c) Division of Local Facilities; and
  - (d) Division of Addiction Services; and***
- ~~(5){(4)}~~ Office of Support Services, which shall have the following divisions:
  - (a) Division of Administrative Services;
  - (b) Division of Corrections Training;

- (c) Division of Population Management;
- (d) *Division of Offender Information Services*; and
- (e) ~~(d)~~ Division of Parole *Board Support* ~~and Victim Services~~.

➔Section 2. KRS 196.070 is amended to read as follows:

- (1) The commissioner of the Department of Corrections shall:
  - (a) Supervise and administer ~~the Kentucky State Reformatory, the Kentucky Correctional Institution for Women, the Kentucky State Penitentiary, Northpoint Training Center, the Luther Luckett Correctional Complex, the Eastern Kentucky Correctional Complex, the Green River Correctional Complex, the Western Kentucky Correctional Complex, the Roederer Correctional Complex, the Southeast State Correctional Complex, and any minimum security~~ correctional institutions established and operated by the department, or any divisions of those institutions, the private prisons as provided by KRS 197.500, and the prison industry program within those institutions.
  - (b) Supervise the employment of prisoners who have not been paroled or conditionally released, either within or without the walls or enclosures of these institutions.
  - (c) Have the authority to transfer, with the approval of the secretary of the Finance and Administration Cabinet, appropriated funds from the budget of one (1) penal institution to another.
  - (d) Determine minimum, maximum, and conditional release dates of prisoners in accordance with KRS 197.045.
  - (e) Authorize the transfer of prisoners between institutions.
  - (f) Create those positions and employ those personnel necessary to perform the functions of the department.
  - (g) Promulgate administrative regulations in accordance with KRS Chapter 13A to implement KRS 196.700 to 196.735.
- (2) The commissioner may organize and maintain a training division for employees of the department and others and in connection therewith promulgate administrative regulations covering the course and conduct of the training and the period of time for which any employee or applicant therefor shall attend the school.
  - (a) The Division of Corrections Training shall establish, supervise, and coordinate training programs and schools for corrections personnel, jail personnel, and any other justice or nonlaw-enforcement related personnel as prescribed by the secretary and shall issue certification to those employees having successfully met the requirements of the training program.
  - (b) The Division of Corrections Training shall make a continuing study of corrections training standards and design, develop, and deliver preservice and in-service training programs.
  - (c) The Division of Corrections Training shall, by administrative regulations, prescribe minimum qualifications for its instructors and shall approve, issue, or revoke the certification of instructors.

➔Section 3. KRS 197.010 is amended to read as follows:

Definitions as used in this chapter, unless the context otherwise requires:

- (1) "Cabinet" means the Justice and Public Safety Cabinet;
- (2) "Classification" means the systematic assignment of a prisoner to a custody level, program, and penitentiary;
- (3) "Department" means Department of Corrections;
- (4) "Eligible sexual offender" means a sexual offender for whom the sentencing court, department officials, or both have determined that he or she:
  - (a) Has demonstrated evidence of a mental, emotional, or behavioral disorder, but not active psychosis or an intellectual disability; and
  - (b) Is likely to benefit from the program;
- (5) *"Institution" means any institution under the control of the Department of Corrections;*

- (6) "Life skills program" means a program that provides strategies for offenders to assist in removing barriers to successful reintegration into the community and addresses skill areas, including time management, money management, use of technology, communication, and social skills;
- (7)~~(6)~~ "Penitentiaries" includes the state penal institutions for males at Eddyville, LaGrange, the Green River Correctional Complex, the Luther Lockett Correctional Complex, the Kentucky Correctional Institute for Women, the Northpoint Training Center, the Roederer Correctional Complex, the Eastern Kentucky Correctional Complex, the Western Kentucky Correctional Complex, Frankfort Career Development Center, Blackburn Correctional Complex, and Bell County Forestry Camp, together with the branches thereof, any private prison as provided by KRS 197.500, and any other similar institutions hereafter established;
- (8)~~(7)~~ "Promising practices" means programs and strategies that have some research or data showing positive outcomes, but do not have enough evidence yet to meet the standard of an evidence-based program;
- (9)~~(8)~~ "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in KRS 17.500; and
- (10)~~(9)~~ "State agency" means any department, board, commission, or agency of the state government.

➔Section 4. KRS 196.701 is amended to read as follows:

- (1) To develop and implement a statewide strategic plan for the state and community corrections programs, the Kentucky State Corrections Commission is created and is attached to the Office of the Secretary of the Justice and Public Safety Cabinet. The commission shall consist of twenty-three (23) members as follows:
- (a) The secretary of the Justice and Public Safety Cabinet or his or her designee in writing;
  - (b) The commissioner of the Department of Corrections or his or her designee in writing;
  - (c) The deputy commissioner of the Office of Community Services and Facilities;
  - (d) The deputy commissioner of the Office of Adult Institutions;
  - (e) The director of the Division of Parole **Board Support**~~and Victim Services~~ or his or her designee in writing;
  - (f) The executive director of the Office of Legislative and Intergovernmental Services of the Justice and Public Safety Cabinet or his or her designee in writing;
  - (g) Two (2) Circuit Court Judges appointed by the Chief Justice;
  - (h) A county judge/executive appointed by the Governor;
  - (i) A county jailer appointed by the Governor;
  - (j) A Commonwealth's attorney appointed by the Governor;
  - (k) A practicing attorney appointed by the Governor;
  - (l) A victim, as that term is defined in KRS 49.280, appointed by the Governor;
  - (m) Four (4) service providers from the field of mental health, substance abuse treatment, or vocational and educational training, appointed by the Governor;
  - (n) A public member who is qualified to express the views of organized labor, appointed by the Governor;
  - (o) A public member who is qualified to express the views of business and industry, appointed by the Governor;
  - (p) The public advocate or his or her designee in writing; and
  - (q) Three (3) at-large members appointed by the Governor.
- (2) The terms of those members appointed by the appointing authority shall be three (3) years. These members shall serve at the pleasure of the appointing authority and shall be eligible for reappointment. The appointed members may be removed for cause. All others serve during their terms of office. If there is a vacancy, the appointing authority shall immediately make an appointment effective for the unexpired term.

- (3) The chairperson of the commission shall be the secretary of justice and public safety. The commissioner of the Department of Corrections shall serve as the vice chairperson who shall preside and exercise the functions of the chairperson during absence or disability of the chairperson.
- (4) Regular meetings of the commission shall be held at least once every four (4) months at a place, day, and hour determined by the commission. Special meetings shall be held when needed as determined by the chairperson. If five (5) or more members of the commission request in writing that the chairperson call a special meeting, then the chairperson shall call a special meeting.
- (5) Members of the commission shall receive reimbursement for necessary expenses for attendance at official commission meetings or public hearings. The administrative functions of the commission shall be performed by a full-time employee of the department who is selected by the commissioner. All public members of the commission shall, in addition to expenses, receive twenty-five dollars (\$25) per day for attending each meeting.

➔Section 5. KRS 196.702 is amended to read as follows:

The commission shall:

- (1) Develop a statewide strategic plan for the development and implementation of goals and objectives, target populations, and program criteria for community corrections programs;
- (2) Conduct, in collaboration with community corrections boards, a statewide assessment of community corrections programs;
- (3) Award all grant moneys to community corrections programs;
- (4) Review community correction program plans and their implementation to ensure compliance with the statewide strategic plan, including the following goals:
  - (a) Effectiveness of community corrections programs in maintaining public safety;
  - (b) Reduction of local commitments to the department;
  - (c) Reduction in the rate of recidivism; and
  - (d) Reduction in revocations of probation and parole;
- (5) Provide technical assistance, support, and training to local boards;
- (6) Submit an annual report no later than September 1 of each year to the commissioner, the Governor, and the General Assembly which includes at least the following information:
  - (a) The status of the implementation of the statewide strategic plan;
  - (b) The effectiveness of community corrections programs in achieving the goals outlined in subsection (4) of this section; and
  - (c) An accounting of the distribution of grants and other funds;
- (7) Administer the provisions of KRS 196.700 to 196.735;
- (8) Advise the Governor and the commissioner concerning correctional policy and programs, including particularly the following:
  - (a) The need for, and the development of, new or specialized institutions, facilities, or programs;
  - (b) The need for, and the effectuation of, collaboration and liaison within the department, and between the department and community agencies and resources, including the bench and bar, in order to promote the readjustment and rehabilitation of offenders in institutions or under parole or probation supervision in the community; and
  - (c) The need for, and the development of, useful research in penology, correctional treatment, criminal law, or in the disciplines relevant thereto; and
- (9) Establish a Parole Board Nominating Committee which shall:
  - (a) Include five (5) ex officio members of the commission:
    1. The secretary of the Justice and Public Safety Cabinet, who shall serve as chairperson of the committee;

2. The commissioner of the Department of Corrections, who shall serve as the vice chairperson of the committee;
  3. The director of the Division of Parole **Board Support**~~{and Victim Services}~~;
  4. The deputy commissioner of the Office of Adult Institutions; and
  5. The deputy commissioner of the Office of Community Services and Facilities;
- (b) Include ten (10) other members of the commission:
1. Two (2) Circuit Judges;
  2. Two (2) service providers with backgrounds in mental health or education;
  3. A person representing the views of business and industry;
  4. A person representing the views of organized labor;
  5. A practicing attorney; and
  6. Three (3) at-large members;
- (c) Publicize vacancies and impending term expirations on the Parole Board in accordance with standards set forth in KRS 424.180;
- (d) Submit the names of three (3) candidates to the commission for every vacancy or expired term on the Parole Board;
- (e) Forward a statement of qualifications of each nominee to the commission along with the nomination. This statement shall identify the experience which meets the qualifications for Parole Board membership outlined in KRS 439.320(1); and
- (f) Maintain the statement of qualifications as a public record in accordance with KRS 61.870 to 61.884.

➔Section 6. KRS 439.653 is amended to read as follows:

- (1) The department shall implement the reentry drug supervision pilot program created under KRS 439.651 for inmates or parolees placed in the pilot program pursuant to this section.
- (2) Inmates or parolees may be referred to the Parole Board as candidates for the pilot program by either the department's **clinical staff who assess inmates for substance use disorder**~~{Division of Substance Abuse Programming}~~ as outlined in subsection (3) of this section or the department's hearing officers as outlined in subsection (4) of this section.
- (3) (a) After sentencing, the **department**~~{department's Division of Substance Abuse Programming}~~ shall conduct a substance abuse assessment of the following inmates:
  1. Inmates whose offense for which he or she was sentenced:
    - a. Does not qualify him or her as a violent offender as defined in KRS 439.3401 or a sexual offender as defined in KRS 17.550; and
    - b. Did not result in death or serious physical injury of a victim;
  2. Inmates:
    - a. Who have been convicted of, or entered an Alford plea or plea of nolo contendere to, a Class C or D felony that is:
      - i. A drug offense; or
      - ii. An offense arising from a substance use disorder; or
    - b. Whose probation or parole was revoked due to a substance use disorder or those with a history of substance use disorder; and
  3. Inmates who have not previously participated in the reentry drug supervision pilot program.
- (b) After reviewing the substance abuse assessments required under paragraph (a) of this subsection, the **department**~~{department's Division of Substance Abuse Programming}~~ shall refer to the Parole Board

those inmates determined by the division to be candidates for the reentry drug supervision pilot program.

- (4) During a preliminary parole revocation hearing, if a department hearing officer suspects a parolee is suffering from a substance use disorder, the hearing officer may order a one (1) month deferment to allow the ~~department~~~~department's Division of Substance Abuse Programming~~ to conduct a substance abuse assessment of the parolee. After evaluating the assessment, the hearing officer may recommend to the Parole Board that the parolee be placed into the pilot program instead of being revoked.
- (5) (a) Upon receiving a referral from the department's *clinical staff who assess inmates for substance use disorder*~~Division of Substance Abuse Programming~~ pursuant to subsection (3) of this section or from the department's hearing officers pursuant to subsection (4) of this section, the Parole Board shall notify the inmate's or parolee's victims, if any, and provide them an opportunity to submit a written victim impact statement and to testify. The Parole Board shall then evaluate the referred inmate or parolee to determine whether to place him or her in the reentry drug supervision pilot program.
- (b) When evaluating whether to place a referred inmate or parolee in the reentry drug supervision pilot program, the Parole Board shall consider the following:
1. Current criminal charges, if any;
  2. Criminal convictions;
  3. Results of the substance abuse assessment conducted pursuant to subsection (3) or (4) of this section;
  4. Plan of recovery created by the department;
  5. Information regarding the victims, if any;
  6. Trial court's recommendation to participate in the pilot program, if any;
  7. An inmate's or parolee's willingness to participate; and
  8. Other relevant information as identified by the department.
- (6) After evaluating the referred inmate or parolee pursuant to subsection (5) of this section, the Parole Board shall determine whether to place an inmate or parolee into the reentry drug supervision pilot program.
- (7) (a) 1. Notwithstanding KRS 218A.1412 or 439.340 or any other statute to the contrary, if the Parole Board decides to place an inmate in the reentry drug supervision pilot program, the inmate shall immediately be paroled into the pilot program. The only conditions of parole shall be to:
- a. Have no contact with victims, if applicable;
  - b. Pay restitution, if applicable; and
  - c. Adhere to KRS 439.650 to 439.657 and to the reentry team's requirements and conditions.
2. Notwithstanding any statute to the contrary, if the Parole Board decides to place a parolee in the reentry drug supervision pilot program, the parolee shall immediately be entered into the pilot program. The only conditions of parole shall be to:
- a. Adhere to any special conditions established by the Parole Board; and
  - b. Adhere to KRS 439.650 to 439.657 and to the reentry team's requirements and conditions.
- (b) Participants shall remain on parole until sentence completion unless the reentry team determines to terminate or administratively discharge the participant from the pilot program. If terminated from the pilot program, the reentry team shall refer the participant to the Parole Board for revocation.

➔Section 7. The following KRS section is repealed:

197.011 Name of women's institution.

**Signed by Governor April 8, 2022.**