

CHAPTER 46

(HB 529)

AN ACT relating to the Parole Board and declaring an emergency.

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

➔Section 1. KRS 439.320 is amended to read as follows:

- (1) (a) The Governor shall appoint a Parole Board consisting of nine (9) full-time members to be confirmed by the Senate in accordance with KRS 11.160.
- (b) The Governor shall make each appointment from a list of three (3) names given to him or her by the Kentucky State Corrections Commission.
- (c) Each member appointed to the board shall have had at least five (5) years of actual experience in the field of penology, correction work, law enforcement, sociology, law, education, social work, medicine, or a combination *of those fields*~~[thereof]~~, or have served at least five (5) years previously on the Parole Board.
- (d) No more than six (6) board members shall be of the same political party.
- (e) The board shall be attached to the Justice and Public Safety Cabinet for administrative purposes only. The department~~[of Corrections]~~ shall provide any clerical, stenographic, administrative, and expert staff assistance the board deems necessary to carry out its duties.
- (2) The Governor shall designate one (1) member as chairperson of the board. The member designated as chairperson shall serve in that capacity at the pleasure of the Governor or until his or her term expires.
- (3) (a) The members of the board shall give full time to the duties of their office and shall receive necessary traveling expenses and a salary to be determined pursuant to KRS 64.640(2), except the chairperson of the board shall receive additional compensation of one thousand dollars (\$1,000) per year for his or her services.
- (b) *The members of the board shall serve for staggered terms of four (4) years and until their successors are appointed and have qualified, so that no more than three (3) terms shall expire in a given year*~~[The members of the board shall serve at the pleasure of the Governor, but for no more than four (4) years without reappointment]~~. Their successors shall *then* be appointed~~[thereafter]~~ as provided in this section. A vacancy occurring before expiration of the term of office shall be similarly filled for the unexpired term.
- (4) The organization of the board shall be determined by the chairperson and shall be consistent with administrative regulations promulgated pursuant to KRS 439.340. For policy and procedural matters, five (5) members shall constitute a quorum.
- (5) Parole and final parole revocation hearings may be done by panels of the board, subject to the following requirements:
 - (a) *If a two (2) member panel is utilized, both members of the panel shall agree on a decision;*~~[A panel shall consist of not less than three (3) and not more than six (6) members; and]~~
 - (b) *If a three (3) member panel is utilized, two (2) of the three (3) members of the panel shall agree on a decision; and*
 - (c) *If a panel of four (4) or more members is utilized, a majority of the panel shall agree on a decision;*

In all cases in which the required number of panel members are not in agreement on a decision,~~[All members of the panel shall agree on a decision or]~~ the matter shall be referred to the full board.
- (6) The Governor may not remove any member of the board except for disability, inefficiency, neglect of duty, or malfeasance in office. Before removal, *the Governor*~~[he or she]~~ shall give the member a written copy of the charges against him or her and shall fix the time when he or she can be heard in his or her defense, which shall not be less than ten (10) days *after receiving the written copy of the charges against him or her*~~[thereafter]~~. Upon removal, the Governor shall file in the office of the Secretary of State a complete statement of all

charges made against the member and the findings *upon the charges*~~[thereupon]~~ with a record of the proceedings.

➔ Section 2. KRS 439.340 is amended to read as follows:

- (1) The board may release on parole persons confined in any adult state penal or correctional institution of Kentucky or sentenced felons incarcerated in county jails eligible for parole. All paroles shall issue upon order of the board duly adopted. As soon as practicable after his or her admission to an adult state penal or correctional institution or county jail if he or she is a sentenced felon, and at such intervals thereafter as it may determine, the department~~[of Corrections]~~ shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. The information shall include the results of his or her most recent risk and needs assessment, his or her criminal record, his or her conduct, employment, and the reports of physical and mental examinations that have been made. The department~~[of Corrections]~~ shall furnish the circumstances of his or her offense, the results of his or her most recent risk and needs assessment, and his or her previous social history to the board. The department~~[of Corrections]~~ shall prepare a report on any information it obtains,~~[It shall be the duty of the Department of Corrections to]~~ supplement this report with any material the board may request, and submit the report to the board.
- (2) (a) Before granting the parole of any prisoner, the board shall consider the pertinent information regarding the prisoner, including the results of his or her most recent risk and needs assessment, and shall have him or her appear before it for interview and hearing. The board in its discretion may hold interviews and hearings for prisoners convicted of Class C felonies not included within the definition of "violent offender" in KRS 439.3401 and Class D felonies not included within the definition of "sex crime" in KRS 17.500. The board in its discretion may request the parole board of another state confining prisoners pursuant to KRS 196.610 to interview eligible prisoners and make a parole recommendation to the board. A parole shall be ordered only for the best interest of society and not as an award of clemency, and it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his or her proper employment or for his or her maintenance and care, and when the board believes he or she is able and willing to fulfill the obligations of a *law-abiding*~~[law-abiding]~~ citizen.

(b) Notwithstanding any statute to the contrary, including KRS 440.330, when a prisoner is otherwise eligible for parole and the board has recommended parole for that prisoner for the reasons set forth in this subsection, the board may grant parole to any prisoner wanted as a fugitive by any other jurisdiction, and the prisoner shall be released to the detainer from that jurisdiction.~~[Such]~~ Parole *under this paragraph* shall not constitute a relinquishment of jurisdiction over the prisoner, and the board in all cases expressly reserves the right to return the prisoner to confinement in a correctional institution of the Commonwealth if the prisoner violates the terms of his or her parole.
- (3) (a) A nonviolent offender convicted of a Class D felony with an aggregate sentence of one (1) to five (5) years who is confined to a state penal institution or county jail shall have his or her case reviewed by the~~[Parole]~~ board after serving fifteen percent (15%) or two (2) months of the original sentence, whichever is longer.

(b) Except as provided in this section, the board shall *promulgate*~~[adopt]~~ administrative regulations *in accordance with KRS Chapter 13A* with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings and all other matters that come before it, or conditions to be imposed upon parolees. *Administrative* regulations governing the eligibility of prisoners for parole shall be in accordance with professionally accepted ideas of correction and reform and may utilize in part objective, performance-based criteria and risk and needs assessment information.~~[; however, nothing herein contained]~~ *This paragraph* shall *not* preclude the board from utilizing its present *administrative* regulations in conjunction with other factors involved that would relate to the inmate's needs and the safety of the public.
- (4) The board shall ensure that all sentenced felons who have *one hundred eighty (180) or more*~~[longer than ninety (90)]~~ days *remaining* to serve in state penal institutions, halfway houses, reentry centers, and county jails are considered for parole not less than sixty (60) days prior to their parole eligibility date, and the department~~[of Corrections]~~ shall provide the necessary assistance and information to the board in order for it to conduct timely parole reviews.
- (5) (a) In addition to or in conjunction with each hearing conducted under subsection (2) of this section for any prisoner convicted of a Class A, B, or C felony or a Class D felony included within the definition of "sex crime" in KRS 17.500 and prior to the granting of a parole to any such prisoner, the~~[Parole]~~ board

shall conduct a hearing of which the following persons shall receive not less than forty-five (45) nor more than ninety (90) days' notice: the Commonwealth's attorney who shall notify the sheriff of every county and the chief of police of every city and county in which the prisoner committed any Class A, B, or C felony or a Class D felony included within the definition of "sex crime" in KRS 17.500 for which he or she is imprisoned, and all identified victims of the crimes or the next of kin of any victim who is deceased.

- (b) Notice to the Commonwealth's attorney shall be by mail, fax, or electronic means at the discretion of the board, and shall be in a manner that ensures receipt at the Commonwealth's attorney's business office. Notices received by chiefs of police and sheriffs shall be posted in a conspicuous location where police employed by the department may see it. Notices shall be posted in a manner and at a time that will allow officers to make comment thereon to the ~~Parole~~ board.
- (c)
 1. Notice to victims or their next of kin shall be made, for prisoners incarcerated prior to July 15, 1986, by mail, fax, or electronic means at the discretion of the board, and shall be in a manner that ensures receipt by the Commonwealth's attorney, who shall forward the notice promptly to the victims or their next of kin at their last known address.
 2. For prisoners incarcerated on or after July 15, 1986, notice to the victims or their next of kin shall be by mail from the ~~Parole~~ board to their last known address as provided by the Commonwealth's attorney to the ~~Parole~~ board at the time of incarceration of the prisoner.
 3. For prisoners incarcerated prior to April 1, 2021, for a Class D felony included within the definition of "sex crime" in KRS 17.500, notice to the victims or their next of kin shall be in a manner that ensures receipt by the Commonwealth's attorney, who shall forward the notice promptly to the victims or their next of kin at their last known address.
 4. For prisoners incarcerated on or after April 1, 2021, for a Class D felony included within the definition of "sex crime" in KRS 17.500, notice to the victims or their next of kin shall be by mail from the Parole Board to their last known address as provided by the Commonwealth's attorney to the ~~Parole~~ board at the time of incarceration of the prisoner.
- (d) Notice to the victim or the next of kin of subsequent considerations for parole after the initial consideration shall not be sent if the victim or the next of kin gives notice to the board that he or she no longer wants to receive ~~the~~^{such} notices. The notice shall include the time, date, and place of the hearing provided for in this subsection, and the name and address of a person to write if the recipient of the notice desires to attend the hearing or to submit written comments.
- (6)
 - (a) Persons receiving notice as provided for in subsection (5) of this section may submit comments, in person or in writing, to the board upon all issues relating to the parole of the prisoner. The board shall read and consider all comments prior to making its parole decision~~if~~ if they are received by the board not less than seven (7) days before the date for the hearing. The board shall retain all comments in the prisoner's permanent Parole Board file, and shall consider them in conjunction with any subsequent parole decisions affecting the prisoner.
 - (b) In addition to officers listed in subsection (5) of this section, the crime victims or the next of kin of any victim who is deceased or who is disabled and cannot attend the hearing or the parent or legal guardian of any victim who is a minor may attend the hearing provided for in subsection (5) of this section and present oral and written comments upon all issues relating to the parole of the prisoner~~if~~ if they have advised the board, in writing received by the board not less than seven (7) days prior to the date set for the hearing, of their intention to attend the hearing. The board shall receive and consider all comments, shall make a record of them which it shall retain in the prisoner's permanent Parole Board file, and shall consider them in conjunction with any subsequent parole decision affecting the prisoner.
 - (c) Persons appearing before the ~~Parole~~ board pursuant to this subsection may elect to make their presentations outside of the presence of the prisoner.
- (7) Victims of Class D felonies not included within the definition of "sex crime" in KRS 17.500 may submit comments in person or in writing to the board upon all issues relating to the parole of a prisoner.
- (8) Any hearing provided for in subsections (5), (6), and (7) of this section shall be open to the public unless the persons having a right to appear before the board as specified in those subsections request closure of hearing

for reasons of personal safety, in which event the hearing shall be closed. The time, date, and location of closed hearings shall not be disclosed to the public.

- (9) ~~Except as specifically set forth in this section, nothing in~~ This section shall *not* ~~be deemed to~~ expand or abridge any existing rights of persons to contact and communicate with the ~~Parole~~ board or any of its members, agents, or employees, *except as specifically set forth in this section.*
- (10) The unintentional failure by the ~~Parole~~ board, sheriff, chief of police, or any of its members, agents, or employees or by a Commonwealth's attorney or any of his or her agents or employees to comply with any of the provisions of subsections (5), (6), and (8) of this section shall not affect the validity of any parole decision or give rise to any right or cause of action by the crime victim, the prisoner, or any other person.
- (11) ~~An~~~~No~~ eligible sexual offender within the meaning of KRS 197.400 to 197.440 shall *not* be granted parole unless he or she has successfully completed the Sexual Offender Treatment Program.
- (12) Any prisoner who is granted parole after completion of the Sexual Offender Treatment Program shall be required, as a condition of his or her parole, to participate in regular treatment in a mental health program approved or operated by the department~~of Corrections~~.
- (13) When the board grants parole contingent upon completion of a program, the commissioner, or his or her designee, shall determine the most appropriate placement in a program operated by the department or a residential or nonresidential program within the community approved by the department. If the department releases a parolee to a nonresidential program, the department shall release the parolee only if he or she will have appropriate community housing pursuant to KRS 439.3408.
- (14) If the ~~Parole~~ board does not grant parole to a prisoner, the maximum deferment for a prisoner convicted of a non-violent, non-sexual Class C or Class D felony shall be twenty-four (24) months. For all other prisoners who are eligible for parole:
- (a) ~~A~~~~No~~ parole deferment greater than five (5) years shall *not* be ordered unless approved by a majority vote of the full board; and
 - (b) ~~A~~~~No~~ deferment shall *not* exceed ten (10) years, except for life sentences.
- (15) When an order for parole is issued, it shall recite the conditions *of the order*~~thereof~~, which may include requiring the person to participate in a specific evidence-based program designed to reduce violence.

➔Section 3. Notwithstanding Section 1 of this Act, for one of the Parole Board terms expiring in 2026, the immediate successor shall serve for a term of two years.

➔Section 4. Whereas the terms of four members of the Parole Board will expire this year in rapid succession, and the continuity of operations of the Parole Board must be maintained, an emergency is declared to exist, and Sections 1 and 3 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 7, 2026.