

439.3406 Mandatory reentry supervision six months prior to projected completion date of inmate's sentence for inmate not granted discretionary parole -- Exceptions -- Terms of supervision -- No credit for time absconding -- Report.

- (1) The board shall order mandatory reentry supervision six (6) months prior to the projected completion date of an inmate's sentence for an inmate who has not been granted discretionary parole.
- (2) The provisions of subsection (1) of this section shall not apply to an inmate who:
 - (a) Is not eligible for parole by statute;
 - (b) Has been convicted of a capital offense or a Class A felony;
 - (c) Has a maximum or close security classification as defined by administrative regulations promulgated by the department;
 - (d) Has been sentenced to two (2) years or less of incarceration;
 - (e) Is subject to the provisions of KRS 532.043;
 - (f) Has six (6) months or less to be served after his or her sentencing by a court or recommitment to prison for a violation of probation, shock probation, parole, or conditional discharge;
 - (g) If recommitted to prison for a violation of probation, shock probation, parole, or conditional discharge, has not served at least six (6) months since being recommitted; or
 - (h) Has twice been released on mandatory reentry supervision.
- (3) An inmate granted mandatory reentry supervision pursuant to this section may be returned by the board to prison for violation of the conditions of supervision and shall not again be eligible for mandatory reentry supervision during the same period of incarceration.
- (4) An inmate released to mandatory reentry supervision shall be considered to be released on parole.
- (5) Mandatory reentry supervision is not a commutation of sentence or any other form of clemency.
- (6) No hearing shall be required for the board to order an inmate to mandatory reentry supervision pursuant to subsection (1) of this section. Terms of supervision for inmates released on mandatory reentry supervision shall be established as follows:
 - (a) The board shall adopt administrative regulations establishing general conditions applicable to each inmate ordered to mandatory reentry supervision pursuant to subsection (1) of this section. If an inmate is ordered to mandatory reentry supervision, the board's order shall set forth the general conditions and shall require the inmate to comply with the general conditions and any requirements imposed by the department in accordance with this section;
 - (b) Upon intake of an inmate ordered to mandatory reentry supervision by the board, the department shall use the results of the risk and needs assessment administered pursuant to KRS 439.3104(1) to establish appropriate terms and conditions of supervision, taking into consideration

the level of risk to public safety, criminal risk factors, and the need for treatment and other interventions. The terms and conditions imposed by the department under this paragraph shall not conflict with the general conditions adopted by the board pursuant to paragraph (a) of this subsection; and

- (c) The powers and duties assigned to the commissioner in relation to probation or parole under KRS 439.470 shall be assigned to the commissioner in relation to mandatory reentry supervision.
- (7) Subject to subsection (3) of this section, the period of mandatory reentry supervision shall conclude upon completion of the individual's minimum expiration of sentence.
- (8) If the board issues a warrant for the arrest of an inmate for absconding from supervision during the mandatory reentry supervision period, and the inmate is subsequently returned to prison as a violator of conditions of supervision for absconding, the inmate shall not receive credit toward the remainder of his or her sentence for the time spent absconding.
- (9) The department shall report the results of the mandatory reentry supervision program to the Interim Joint Committee on Judiciary by February 1, 2015.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 15, effective June 29, 2017. -- Amended 2013 Ky. Acts ch. 69, sec. 10, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 156, sec. 14, effective July 12, 2012. -- Created 2011 Ky. Acts ch. 2, sec. 34, effective January 1, 2012.