

197.045 Credit on sentence for prior confinement, educational accomplishment, good behavior, or meritorious service -- Requirement of completion of sex offender treatment program for eligible sexual offenders -- Forfeiture of credit for certain dismissals of inmates' civil actions -- Payments for jails upon prisoner completion of department-approved program and sentence credit.

- (1) Any person convicted and sentenced to a state penal institution:
 - (a) Shall receive a credit on his or her sentence for:
 1. Prior confinement as specified in KRS 532.120;
 2. Successfully receiving a High School Equivalency Diploma or a high school diploma, a college degree, a completed vocational or technical education program, or a correspondence postsecondary education program which results in a diploma or degree, as provided, defined, and approved by the department in the amount of ninety (90) days per diploma, degree, or technical education program completed;
 3. Successfully completing a drug treatment program, evidence-based program, or any other promising practice or life skills program approved by the department, in the amount of not more than ninety (90) days for each program completed. The department shall determine criteria to establish whether a life skills or promising practice program is eligible for sentence credits. Programs shall demonstrate learning of skills necessary for reintegration into the community to minimize barriers to successful reentry. Approval of programs shall be subject to review by the cabinet; and
 - (b) May receive a credit on his or her sentence for:
 1. Good behavior in an amount not exceeding ten (10) days for each month served, to be determined by the department from the conduct of the prisoner;
 2. Performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs, awarded at the discretion of the commissioner in an amount not to exceed seven (7) days per month; and
 3. Acts of exceptional service during times of emergency, awarded at the discretion of the commissioner in an amount not to exceed seven (7) days per month.
- (2) Except for a sentencing credit awarded for prior confinement, the department may forfeit any sentencing credit awarded under subsection (1) of this section previously earned by the prisoner or deny the prisoner the right to earn future sentencing credit in any amount if during the term of imprisonment, a prisoner commits any offense or violates the rules of the institution.
- (3) When two (2) or more consecutive sentences are to be served, the several sentences shall be merged and served in the aggregate for the purposes of the sentencing credit computation or in computing dates of expiration of sentence.
- (4) Until successful completion of the sex offender treatment program, an eligible sexual offender may earn sentencing credit. However, the sentencing credit

shall not be credited to the eligible sexual offender's sentence. Upon the successful completion of the sex offender treatment program, as determined by the program director, the offender shall be eligible for all sentencing credit earned but not otherwise forfeited under administrative regulations promulgated by the Department of Corrections. After successful completion of the sex offender treatment program, an eligible sexual offender may continue to earn sentencing credit in the manner provided by administrative regulations promulgated by the Department of Corrections. Any eligible sexual offender, as defined in KRS 197.410, who has not successfully completed the sex offender treatment program as determined by the program director shall not be entitled to the benefit of any credit on his or her sentence. A sexual offender who does not complete the sex offender treatment program for any reason shall serve his or her entire sentence without benefit of sentencing credit, parole, or other form of early release. The provisions of this section shall not apply to any sexual offender convicted before July 15, 1998, or to any sexual offender with an intellectual disability.

- (5)
 - (a) The Department of Corrections shall, by administrative regulation, specify the length of forfeiture of sentencing credit and the ability to earn sentencing credit in the future for those inmates who have civil actions dismissed because the court found the action to be malicious, harassing, or factually frivolous.
 - (b) Penalties set by administrative regulation pursuant to this subsection shall be as uniform as practicable throughout all institutions operated by, under contract to, or under the control of the department and shall specify a specific number of days or months of sentencing credit forfeited as well as any prohibition imposed on the future earning of sentencing credit.
- (6) Starting in fiscal year 2021-2022 and through fiscal year 2023-2024, if a state prisoner is confined in a jail pursuant to KRS 532.100 and earns sentencing credits under subsection (1)(a)2. or 3. of this section while confined in that jail, at the end of that prisoner's period of confinement in that jail, the department shall pay a fee to the unit of local government or regional jail authority responsible for the administration of that jail as follows:
 - (a) For every Department of Corrections-approved program completed which resulted in the issuance of a ninety (90) day sentencing credit, a payment of one thousand dollars (\$1,000) shall be made;
 - (b) For every Department of Corrections-approved program completed which resulted in the issuance of a sixty (60) day sentencing credit, a payment of six hundred dollars (\$600) shall be made; and
 - (c) For every Department of Corrections-approved program completed which resulted in the issuance of a thirty (30) day sentencing credit, a payment of three hundred dollars (\$300) shall be made.
- (7) The provisions in subsection (1)(a)2. of this section shall apply retroactively to July 1, 2018.

Effective: April 7, 2021

History: Amended 2021 Ky. Acts ch. 194, sec. 4, effective April 7, 2021. -- Amended 2019 Ky. Acts ch. 116, sec. 2, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 63, sec. 25, effective June 29, 2017. -- Amended 2014 Ky.

Acts ch. 94, sec. 5, effective July 15, 2014. -- Amended 2013 Ky. Acts ch. 69, sec. 9, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 146, sec. 27, effective July 12, 2012. -- Amended 2011 Ky. Acts ch. 2, sec. 36, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 107, sec. 3, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 182, sec. 22, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 345, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 24, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 118, sec. 6, effective July 15, 1996; and ch. 145, sec. 6, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 211, sec. 42, effective July 14, 1992; and ch. 445, sec. 7, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 497, sec. 12, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 344, sec. 23, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 146, sec. 1. -- Amended 1970 Ky. Acts ch. 90, sec. 1. -- Amended 1962 Ky. Acts ch. 109, sec. 1. -- Created 1956 Ky. Acts ch. 102, sec. 1.