

439.3110 Pregnancy release conditions for eligible persons reasonably believed to have a substance use disorder.

- (1) As used in this section:
- (a) "Eligible person" means a person who is:
 - 1. A pregnant woman;
 - 2. Reasonably believed by a court or the department to have a substance use disorder;
 - 3. Not charged or convicted of an offense that would qualify the person as a violent offender under KRS 439.3401; and
 - 4. Not charged or convicted of an offense under KRS Chapter 510, KRS 529.100 involving commercial sexual activity, KRS 530.020, 530.064(1)(a), 531.310, or 531.320; and
 - (b) "Pregnancy release conditions" means conditions of release set by a court or the department for eligible persons which shall include:
 - 1. Completing inpatient residential treatment for substance use disorders;
 - 2. Not being charged with a new local, state, or federal misdemeanor or felony offense;
 - 3. If not yet sentenced, appearing for all required court appearances;
 - 4. If not yet sentenced, avoiding all contact with any alleged victim and any potential witness who may testify concerning the charge, unless or until the court removes this condition; and
 - 5. If not yet sentenced, maintaining a current address with the court.
- (2) Notwithstanding any other statute to the contrary, when an eligible person is charged or convicted of any violation of KRS Chapter 218A, the person shall be released from custody upon her own recognizance so long as the person successfully meets the pregnancy release conditions. If the pregnancy release conditions are violated, the eligible person shall be returned to custody to await sentencing or to serve the sentence for the original conviction under KRS Chapter 218A as well as the sentence for any subsequent charges or convictions, if any.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 85, sec. 3, effective June 29, 2021. -- Created 2018 Ky. Acts ch. 115, sec. 8, effective July 14, 2018.

Legislative Research Commission Note (6/29/2021). Prior to this statute being amended in 2021, subsection (2) contained the opening language, "Except as provided in subsection (3) of this section and notwithstanding any other statute to the contrary,". However, 2021 Ky. Acts ch. 85, sec. 3 (SB 84) deleted subsection (3), so the reference to subsection (3) in subsection (2) should have also been deleted to conform, but it wasn't. In codification, the Reviser of Statutes has deleted "Except as provided in subsection (3) of this section and" from subsection (2) and retained "Notwithstanding any other statute to the contrary" to correct this manifest clerical or typographical error under the authority of KRS 7.136(1)(h).

Legislative Research Commission Note (7/14/2018). Pursuant to 2018 Ky. Acts ch. 115, sec. 12, that Act shall be known as the Women's Dignity in the Justice System Act. This statute was created in Section 8 of that Act.