

439.653 Referral of inmates or parolees to pilot program -- Substance use disorder assessments -- Factors to be considered -- Conditions of referral.

- (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 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 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 - b. Whose probation or parole was revoked due to a substance use disorder or those with a history of substance use disorder; and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 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 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 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.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 141, sec. 6, effective July 14, 2022. -- Created 2017 Ky. Acts ch. 158, sec. 20, effective June 29, 2017.