

**533.280 Completion of program -- Effect -- Notice to identified victim.**

- (1) Upon successful completion of the behavioral health conditional dismissal program:
  - (a) The court shall dismiss the charged offense or offenses with prejudice and discharge the defendant;
  - (b) All records relating to the case, including but not limited to arrest records and records relating to the charges, shall be sealed, except as provided in KRS 27A.099;
  - (c) The offense shall be accessible for review for the sole purpose of determining the defendant's eligibility for deferred prosecution under KRS 218A.1415; and
  - (d) The defendant shall not be required to disclose the arrest or other information relating to the charges or participation in the program on an application for employment, credit, or other type of application unless required to do so by state or federal law.
- (2) If a defendant who is participating in the behavioral health conditional dismissal program is convicted of or enters a plea of guilty to a felony offense other than a qualifying offense under any law of the United States, this state, or any other state, that was committed while participating in the program, the defendant shall be discharged from the behavioral health conditional dismissal program for failure to comply with the terms and conditions.
- (3) If the defendant is discharged from the behavioral health conditional dismissal program by the treatment provider under KRS 533.278, all statements or other disclosures made by the defendant to any provider while participating in the program shall be protected by all applicable privacy laws and professional standards regarding confidentiality and shall not be admissible in a criminal trial relating to the offenses covered by the agreement executed under KRS 533.276.
- (4) The attorney for the Commonwealth shall notify the victim, if there is an identified victim, of the defendant's dismissal from the program for noncompliance or discharge from the program following successful completion of the program.

**Effective:** July 14, 2022

**History:** Created 2022 Ky. Acts ch. 230, sec. 6, effective July 14, 2022.